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Senate File 406

H-1269

1 Amend Senate File 406, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting:

5 <DIVISION I
6 PERSONS WITH INTELLECTUAL DISABILITIES — INVOLUNTARY
7 COMMITMENTS

8 Section 1. Section 48A.2, subsection 3, Code 2013,
9 is amended to read as follows:

10 3. *"Person who is incompetent to vote"* means
11 a person with an intellectual disability who has
12 been found to lack the mental capacity to vote in a
13 proceeding held pursuant to section ~~222.31~~ or 633.556.

14 Sec. 2. Section 222.6, Code 2013, is amended to
15 read as follows:

16 **222.6 State districts.**

17 The administrator shall divide the state into two
18 districts in such manner that one of the resource
19 centers shall be located within each of the districts.
20 Such districts may from time to time be changed. After
21 such districts have been established, the administrator
22 shall notify all boards of supervisors, county
23 auditors, and clerks of the district courts of the
24 action. Thereafter, unless the administrator otherwise
25 orders, all admissions ~~or commitments~~ of persons with
26 an intellectual disability from a district shall be to
27 the resource center located within such district.

28 Sec. 3. Section 222.12, subsection 2, Code 2013, is
29 amended to read as follows:

30 2. Notice of the death of the patient, and the
31 cause of death, shall be sent to the county board of
32 supervisors ~~and to the judge of the court that had~~
33 ~~jurisdiction over a committed patient.~~ The fact of
34 death with the time, place, and alleged cause shall be
35 entered upon the docket of the court.

36 Sec. 4. Section 222.15, subsection 3, Code 2013, is
37 amended by striking the subsection.

38 Sec. 5. Section 222.59, subsection 3, Code 2013, is
39 amended by striking the subsection.

40 Sec. 6. Section 222.60, subsection 1, unnumbered
41 paragraph 1, Code 2013, is amended to read as follows:

42 All necessary and legal expenses for the cost
43 of admission ~~or commitment~~ or for the treatment,
44 training, instruction, care, habilitation, support
45 and transportation of persons with an intellectual
46 disability, as provided for in the county management
47 plan provisions implemented pursuant to section
48 331.439, subsection 1, in a state resource center, or
49 in a special unit, or any public or private facility
50 within or without the state, approved by the director

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1 of the department of human services, shall be paid by
2 either:
3 Sec. 7. Section 222.61, Code 2013, is amended to
4 read as follows:
5 **222.61 Legal settlement determined.**
6 When a county receives an application on behalf of
7 any person for admission to a resource center or a
8 special unit ~~or when a court issues an order committing~~
9 ~~any person to a resource center or a special unit~~, the
10 board of supervisors shall utilize the central point
11 of coordination process to determine and certify that
12 the legal settlement of the person is in one of the
13 following:
14 1. In the county in which the application is
15 received ~~or court is located~~.
16 2. In some other county of the state.
17 3. In another state or in a foreign country.
18 4. Unknown.
19 Sec. 8. Section 222.64, Code 2013, is amended to
20 read as follows:
21 **222.64 Foreign state or country or unknown legal**
22 **settlement.**
23 If the legal settlement of the person is determined
24 by the board of supervisors through the central point
25 of coordination process to be in a foreign state or
26 country or is determined to be unknown, the board of
27 supervisors shall certify the determination to the
28 administrator. The certification shall be accompanied
29 by a copy of the evidence supporting the determination.
30 The care of the person shall be as arranged by the
31 board of supervisors or by an order as the court
32 may enter. Application for admission ~~or order of~~
33 ~~commitment~~ may be made pending investigation by the
34 administrator.
35 Sec. 9. Section 222.67, Code 2013, is amended to
36 read as follows:
37 **222.67 Charge on finding of settlement.**
38 If a person has been received into a resource center
39 or a special unit as a patient whose legal settlement
40 is supposedly outside the state or is unknown and the
41 administrator determines that the legal settlement of
42 the patient was at the time of admission ~~or commitment~~
43 in a county of this state, the administrator shall
44 certify the determination and charge all legal costs
45 and expenses pertaining to the admission ~~or commitment~~
46 and support of the patient to the county of legal
47 settlement. The certification shall be sent to the
48 county of legal settlement. The certification shall
49 be accompanied by a copy of the evidence supporting
50 the determination. If the person's legal settlement

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1 status has been determined in accordance with section
2 225C.8, the legal costs and expenses shall be charged
3 to the county or as a state case in accordance with
4 that determination. The costs and expenses shall be
5 collected as provided by law in other cases.

6 Sec. 10. Section 222.68, Code 2013, is amended to
7 read as follows:

8 **222.68 Costs paid in first instance.**

9 All necessary and legal expenses for the cost of
10 admission ~~or commitment~~ of a person to a resource
11 center or a special unit when the person's legal
12 settlement is found to be in another county of this
13 state shall in the first instance be paid by the county
14 from which the person was admitted ~~or committed~~. The
15 county of legal settlement shall reimburse the county
16 which pays for all such expenses. Where any county
17 fails to make such reimbursement within forty-five days
18 following submission of a properly itemized bill to the
19 county of legal settlement, a penalty of not greater
20 than one percent per month on and after forty-five days
21 from submission of the bill may be added to the amount
22 due.

23 Sec. 11. Section 222.69, Code 2013, is amended to
24 read as follows:

25 **222.69 Payment by state.**

26 All necessary and legal expenses for the cost of
27 admission ~~or commitment~~ of a person to a resource
28 center or a special unit when the person's legal
29 settlement is outside this state or is unknown shall
30 be paid out of any money in the state treasury not
31 otherwise appropriated. Such payments shall be made on
32 itemized vouchers executed by the auditor of the county
33 from which the expenses have been paid and approved by
34 the administrator.

35 Sec. 12. Section 222.70, Code 2013, is amended to
36 read as follows:

37 **222.70 Legal settlement disputes.**

38 If a dispute arises between counties or between the
39 department and a county as to the legal settlement of a
40 person admitted ~~or committed~~ to a resource center, a
41 special unit, or a community-based service, the dispute
42 shall be resolved as provided in section 225C.8.

43 Sec. 13. Section 222.78, Code 2013, is amended to
44 read as follows:

45 **222.78 Parents and others liable for support.**

46 The father and mother of any patient admitted ~~or~~
47 ~~committed~~ to a resource center or to a special unit,
48 as either an inpatient or an outpatient, and any
49 person, firm, or corporation bound by contract made
50 for support of the patient are liable for the support

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1 of the patient. The patient and those legally bound
2 for the support of the patient shall be liable to the
3 county for all sums advanced by the county to the state
4 under the provisions of sections 222.60 and 222.77.
5 The liability of any person, other than the patient,
6 who is legally bound for the support of a patient who
7 is under eighteen years of age in a resource center or
8 a special unit shall not exceed the average minimum
9 cost of the care of a normally intelligent minor
10 without a disability of the same age and sex as the
11 minor patient. The administrator shall establish the
12 scale for this purpose but the scale shall not exceed
13 the standards for personal allowances established
14 by the state division under the family investment
15 program. The father or mother shall incur liability
16 only during any period when the father or mother either
17 individually or jointly receive a net income from
18 whatever source, commensurate with that upon which
19 they would be liable to make an income tax payment to
20 this state. The father or mother of a patient shall
21 not be liable for the support of the patient upon the
22 patient attaining eighteen years of age. Nothing in
23 this section shall be construed to prevent a relative
24 or other person from voluntarily paying the full actual
25 cost as established by the administrator for caring for
26 the patient with an intellectual disability.

27 Sec. 14. Section 222.80, Code 2013, is amended to
28 read as follows:

29 **222.80 Liability to county.**

30 A person admitted ~~or committed~~ to a county
31 institution or home or admitted ~~or committed~~ at
32 county expense to a private hospital, sanitarium, or
33 other facility for treatment, training, instruction,
34 care, habilitation, and support as a patient with an
35 intellectual disability shall be liable to the county
36 for the reasonable cost of the support as provided in
37 section 222.78.

38 Sec. 15. Section 222.91, Code 2013, is amended to
39 read as follows:

40 **222.91 Direct referral to special unit.**

41 In addition to any other manner of referral, ~~or~~
42 admission, ~~or commitment~~ to the special unit provided
43 for by this chapter, persons may be referred directly
44 to the special unit by courts, law enforcement
45 agencies, or state penal or correctional institutions
46 for services under ~~subsection 2 of section 222.88,~~
47 subsection 2, but persons so referred shall not be
48 admitted ~~or committed~~ unless a preadmission diagnostic
49 evaluation indicates that the person would benefit from
50 such services, and the admission ~~or commitment~~ of the

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1 person to the special unit would not cause the special
2 unit's patient load to exceed its capacity.

3 Sec. 16. Section 232.51, Code 2013, is amended to
4 read as follows:

5 **232.51 Disposition of child with mental illness or**
6 **an intellectual disability.**

7 1. If the evidence received at an adjudicatory or
8 a dispositional hearing indicates that the child is
9 mentally ill, the court may direct the juvenile court
10 officer or the department to initiate proceedings or to
11 assist the child's parent or guardian to initiate civil
12 commitment proceedings in the juvenile court and such
13 proceedings in the juvenile court shall adhere to the
14 requirements of chapter 229.

15 ~~2. If the evidence received at an adjudicatory or~~
16 ~~a dispositional hearing indicates that the child has~~
17 ~~an intellectual disability, the court may direct the~~
18 ~~juvenile court officer or the department to initiate~~
19 ~~proceedings or to assist the child's parent or guardian~~
20 ~~to initiate civil commitment proceedings in the~~
21 ~~juvenile court and such proceedings shall adhere to the~~
22 ~~requirements of chapter 222.~~

23 ~~3.~~ 2. a. If prior to the adjudicatory or
24 dispositional hearing on the pending delinquency
25 petition, the child is committed as a child with a
26 mental illness ~~or an intellectual disability~~ and is
27 ordered into a residential facility, institution, or
28 hospital for inpatient treatment, the delinquency
29 proceeding shall be suspended until such time as the
30 juvenile court either terminates the civil commitment
31 order or the child is released from the residential
32 facility, institution, or hospital for purposes of
33 receiving outpatient treatment.

34 b. During any time that the delinquency proceeding
35 is suspended pursuant to this subsection, any
36 time limits for speedy adjudicatory hearings and
37 continuances shall be tolled.

38 c. This subsection shall not apply to waiver
39 hearings held pursuant to section 232.45.

40 Sec. 17. Section 331.756, subsection 42, Code 2013,
41 is amended by striking the subsection.

42 Sec. 18. Section 602.8102, subsections 36 and 37,
43 Code 2013, are amended by striking the subsections.

44 Sec. 19. REPEAL. Sections 222.16 through 222.33,
45 sections 222.36 through 222.49, section 222.51,
46 and sections 222.54 through 222.58, Code 2013, are
47 repealed.

48 Sec. 20. EFFECTIVE DATE. This division of this Act
49 takes effect July 1, 2014.

50 DIVISION II

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1 INVOLUNTARY COMMITMENTS —
2 SUBSTANCE-RELATED DISORDERS AND MENTAL ILLNESS
3 Sec. 21. NEW SECTION. 125.74A Preapplication
4 screening assessment — program.
5 Prior to filing an application pursuant to section
6 125.75, the clerk of the district court or the
7 clerk's designee shall inform the interested person
8 referred to in section 125.75 about the option of
9 requesting a preapplication screening assessment
10 through a preapplication screening assessment program,
11 if available. The state court administrator shall
12 prescribe practices and procedures for implementation
13 of the preapplication screening assessment program.
14 Sec. 22. Section 125.75, Code 2013, is amended to
15 read as follows:
16 ~~125.75 Involuntary commitment or treatment —~~
17 application Application.
18 1. Proceedings for the involuntary commitment or
19 treatment of a person with a substance-related disorder
20 to a facility pursuant to this chapter or for the
21 involuntary hospitalization of a person pursuant to
22 chapter 229 may be commenced by the county attorney
23 or an any interested person by filing a verified
24 application with the clerk of the district court of
25 the county where the respondent is presently located
26 or which is the respondent's place of residence.
27 The clerk or the clerk's designee shall assist the
28 applicant in completing the application.
29 2. The application shall:
30 1. a. State the applicant's belief that the
31 respondent is a person with a substance-related
32 disorder, who presents a danger to self or others
33 and lacks judgmental capacity due to either of the
34 following:
35 (1) A substance-related disorder as defined in
36 section 125.2.
37 (2) A serious mental impairment as defined in
38 section 229.1.
39 2. b. State any other pertinent facts in support
40 of each belief described in paragraph "a".
41 3. c. Be accompanied by one or more of the
42 following:
43 a. (1) A written statement of a licensed physician
44 in support of the application.
45 b. (2) One or more supporting affidavits
46 corroborating the application.
47 c. (3) Corroborative information obtained and
48 reduced to writing by the clerk or the clerk's
49 designee, but only when circumstances make it
50 infeasible to obtain, or when the clerk considers it

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1 appropriate to supplement, the information under either
2 ~~paragraph "a" subparagraph (1) or paragraph "b" (2).~~
3 3. Prior to the filing of an application pursuant
4 to this section, the clerk or the clerk's designee
5 shall inform the interested person referred to
6 in subsection 1 about the option of requesting a
7 preapplication screening assessment pursuant to section
8 125.74A.
9 4. The supreme court shall prescribe rules
10 and establish forms as necessary to carry out the
11 provisions of this section.
12 Sec. 23. Section 125.75A, Code 2013, is amended to
13 read as follows:
14 125.75A ~~Involuntary commitment or treatment of~~
15 ~~proceedings — minors — jurisdiction.~~
16 The juvenile court has exclusive original
17 jurisdiction in proceedings concerning a minor for whom
18 an application ~~for involuntary commitment or treatment~~
19 is filed under section 125.75. In proceedings under
20 this division concerning a minor's involuntary
21 commitment or treatment, the term "court", "judge", or
22 "clerk" means the juvenile court, judge, or clerk.
23 Sec. 24. Section 125.77, Code 2013, is amended to
24 read as follows:
25 125.77 Service of notice.
26 Upon the filing of an application ~~for involuntary~~
27 ~~commitment~~ pursuant to section 125.75, the clerk shall
28 docket the case and immediately notify a district court
29 judge, a district associate judge, or magistrate who
30 is admitted to the practice of law in this state,
31 who shall review the application and accompanying
32 documentation. The clerk shall send copies of the
33 application and supporting documentation, together
34 with the notice informing the respondent of the
35 procedures required by this division, to the sheriff,
36 for immediate service upon the respondent. If the
37 respondent is taken into custody under section 125.81,
38 service of the application, documentation, and notice
39 upon the respondent shall be made at the time the
40 respondent is taken into custody.
41 Sec. 25. Section 125.78, unnumbered paragraph 1,
42 Code 2013, is amended to read as follows:
43 As soon as practical after the filing of an
44 application ~~for involuntary commitment or treatment~~
45 pursuant to section 125.75, the court shall:
46 Sec. 26. Section 125.79, Code 2013, is amended to
47 read as follows:
48 125.79 Respondent's attorney informed.
49 The court shall direct the clerk to furnish at once
50 to the respondent's attorney, copies of the application

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1 ~~for involuntary commitment of the respondent pursuant~~
2 ~~to section 125.75 and the supporting documentation,~~
3 ~~and of the court's order issued pursuant to section~~
4 ~~125.78, subsection 3. If the respondent is taken into~~
5 ~~custody under section 125.81, the attorney shall also~~
6 ~~be advised of that fact. The respondent's attorney~~
7 ~~shall represent the respondent at all stages of the~~
8 ~~proceedings and shall attend the commitment hearing.~~
9 Sec. 27. Section 229.5, Code 2013, is amended to
10 read as follows:
11 **229.5 Departure without notice.**
12 If a voluntary patient departs from the hospital
13 without notice, and in the opinion of the chief medical
14 officer the patient is seriously mentally impaired,
15 the chief medical officer may file an application
16 ~~for involuntary hospitalization of on the departed~~
17 ~~voluntary patient pursuant to section 229.6, and~~
18 ~~request that an order for immediate custody be entered~~
19 ~~by the court pursuant to section 229.11.~~
20 Sec. 28. Section 229.5A, Code 2013, is amended to
21 read as follows:
22 **229.5A Preapplication screening assessment —**
23 **program.**
24 Prior to filing an application ~~for involuntary~~
25 ~~hospitalization pursuant to section 229.6, the clerk~~
26 ~~of the district court or the clerk's designee shall~~
27 ~~inform the interested person referred to in section~~
28 ~~229.6, subsection 1, about the option of requesting~~
29 ~~a preapplication screening assessment through a~~
30 ~~preapplication screening assessment program, if~~
31 ~~available. The state court administrator shall~~
32 ~~prescribe practices and procedures for implementation~~
33 ~~of the preapplication screening assessment program.~~
34 Sec. 29. Section 229.6, Code 2013, is amended to
35 read as follows:
36 **229.6 Application for order of involuntary**
37 **hospitalization.**
38 1. Proceedings for the involuntary hospitalization
39 of an individual pursuant to this chapter or for the
40 involuntary commitment or treatment of a person with a
41 substance-related disorder to a facility pursuant to
42 chapter 125 may be commenced by any interested person
43 by filing a verified application with the clerk of
44 the district court of the county where the respondent
45 is presently located, or which is the respondent's
46 place of residence. The clerk, or the clerk's
47 designee, shall assist the applicant in completing the
48 application.
49 2. The application shall:
50 a. State the applicant's belief that the respondent

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1 ~~is seriously mentally impaired.~~ a person who presents a
2 danger to self or others and lacks judgmental capacity
3 due to either of the following:
4 (1) A substance-related disorder as defined in
5 section 125.2.
6 (2) A serious mental impairment as defined in
7 section 229.1.
8 ~~b. State any other pertinent facts in support of~~
9 each belief described in paragraph "a".
10 ~~c. Be accompanied by any of the following:~~
11 (1) A written statement of a licensed physician in
12 support of the application.
13 (2) One or more supporting affidavits otherwise
14 corroborating the application.
15 (3) Corroborative information obtained and reduced
16 to writing by the clerk or the clerk's designee, but
17 only when circumstances make it infeasible to comply
18 with, or when the clerk considers it appropriate to
19 supplement the information supplied pursuant to, either
20 subparagraph (1) or (2).
21 ~~2. 3. Prior to the filing of an application~~
22 pursuant to this section, the clerk or the clerk's
23 designee shall inform the interested person referred
24 to in subsection 1 about the option of requesting a
25 preapplication screening assessment pursuant to section
26 229.5A.
27 ~~4. The supreme court shall prescribe rules~~
28 and establish forms as necessary to carry out the
29 provisions of this section.
30 Sec. 30. Section 229.6A, subsection 1, Code 2013,
31 is amended to read as follows:
32 1. Notwithstanding section 229.11, the juvenile
33 court has exclusive original jurisdiction in
34 proceedings concerning a minor for whom an application
35 for involuntary admission is filed under section 229.6
36 or for whom an application for voluntary admission
37 is made under section 229.2, subsection 1, to which
38 the minor objects. In proceedings under this chapter
39 concerning a minor, notwithstanding section 229.11, the
40 term "court", "judge", or "clerk" means the juvenile
41 court, judge, or clerk.
42 Sec. 31. Section 229.7, Code 2013, is amended to
43 read as follows:
44 **229.7 Service of notice upon respondent.**
45 Upon the filing of an application ~~for involuntary~~
46 hospitalization pursuant to section 229.6, the clerk
47 shall docket the case and immediately notify a district
48 court judge, district associate judge, or magistrate
49 who is admitted to the practice of law in this state,
50 who shall review the application and accompanying

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1 documentation. If the application is adequate as to
2 form, the court may set a time and place for a hearing
3 on the application, if feasible, but the hearing shall
4 not be held less than forty-eight hours after notice
5 to the respondent unless the respondent waives such
6 minimum prior notice requirement. The court shall
7 direct the clerk to send copies of the application
8 and supporting documentation, together with a notice
9 informing the respondent of the procedures required by
10 this chapter, to the sheriff or the sheriff's deputy
11 for immediate service upon the respondent. If the
12 respondent is taken into custody under section 229.11,
13 service of the application, documentation and notice
14 upon the respondent shall be made at the time the
15 respondent is taken into custody.

16 Sec. 32. Section 229.8, unnumbered paragraph 1,
17 Code 2013, is amended to read as follows:

18 As soon as practicable after the filing of an
19 application for involuntary hospitalization pursuant to
20 section 229.6, the court shall:

21 Sec. 33. Section 229.9, Code 2013, is amended to
22 read as follows:

23 **229.9 Respondent's attorney informed.**

24 The court shall direct the clerk to furnish at
25 once to the respondent's attorney copies of the
26 application for involuntary hospitalization of the
27 respondent filed pursuant to section 229.6 and the
28 supporting documentation, and of the court's order
29 issued pursuant to section 229.8, subsection 3. If the
30 respondent is taken into custody under section 229.11,
31 the attorney shall also be advised of that fact. The
32 respondent's attorney shall represent the respondent
33 at all stages of the proceedings, and shall attend the
34 hospitalization hearing.

35 Sec. 34. Section 229.21, subsection 2, Code 2013,
36 is amended to read as follows:

37 2. When an application for involuntary
38 hospitalization under this chapter or an application
39 for involuntary commitment or treatment of persons with
40 substance-related disorders under sections section
41 229.6 or 125.75 to 125.94 is filed with the clerk of
42 the district court in any county for which a judicial
43 hospitalization referee has been appointed, and no
44 district judge, district associate judge, or magistrate
45 who is admitted to the practice of law in this state
46 is accessible, the clerk shall immediately notify the
47 referee in the manner required by section 229.7 or
48 section 125.77. The referee shall discharge all of
49 the duties imposed upon the court by sections 229.7 to
50 229.22 or sections 125.75 to 125.94 in the proceeding

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1 so initiated. Subject to the provisions of subsection
2 4, orders issued by a referee, in discharge of duties
3 imposed under this section, shall have the same force
4 and effect as if ordered by a district judge. However,
5 any commitment to a facility regulated and operated
6 under chapter 135C shall be in accordance with section
7 135C.23.

8 Sec. 35. Section 229.22, subsection 3, Code 2013,
9 is amended to read as follows:

10 3. The chief medical officer of the facility or
11 hospital shall examine and may detain and care for
12 the person taken into custody under the magistrate's
13 order for a period not to exceed forty-eight hours from
14 the time such order is dated, excluding Saturdays,
15 Sundays and holidays, unless the order is sooner
16 dismissed by a magistrate. The facility or hospital
17 may provide treatment which is necessary to preserve
18 the person's life, or to appropriately control behavior
19 by the person which is likely to result in physical
20 injury to the person's self or others if allowed to
21 continue, but may not otherwise provide treatment to
22 the person without the person's consent. The person
23 shall be discharged from the facility or hospital and
24 released from custody not later than the expiration of
25 that period, unless an application for the person's
26 involuntary hospitalization is sooner filed with
27 the clerk pursuant to section 229.6. Prior to such
28 discharge the facility or hospital shall, if required
29 by this section, notify the law enforcement agency
30 requesting such notification about the discharge of
31 the person. The law enforcement agency shall retrieve
32 the person no later than six hours after notification
33 from the facility or hospital but in no circumstances
34 shall the detention of the person exceed the period
35 of time prescribed for detention by this subsection.
36 The detention of any person by the procedure and not
37 in excess of the period of time prescribed by this
38 section shall not render the peace officer, physician,
39 facility, or hospital so detaining that person liable
40 in a criminal or civil action for false arrest or
41 false imprisonment if the peace officer, physician,
42 facility, or hospital had reasonable grounds to believe
43 the person so detained was mentally ill and likely to
44 physically injure the person's self or others if not
45 immediately detained, or if the facility or hospital
46 was required to notify a law enforcement agency by this
47 section, and the law enforcement agency requesting
48 notification prior to discharge retrieved the person no
49 later than six hours after the notification, and the
50 detention prior to the retrieval of the person did not

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1 exceed the period of time prescribed for detention by
2 this subsection.

3 Sec. 36. Section 229.24, subsection 1, Code 2013,
4 is amended to read as follows:

5 1. All papers and records pertaining to any
6 involuntary hospitalization or application ~~for~~
7 ~~involuntary hospitalization pursuant to section 229.6~~
8 of any person under this chapter, whether part of the
9 permanent record of the court or of a file in the
10 department of human services, are subject to inspection
11 only upon an order of the court for good cause shown.

12 Sec. 37. Section 229.27, subsection 2, Code 2013,
13 is amended to read as follows:

14 2. The applicant may, in initiating a petition ~~for~~
15 ~~involuntary hospitalization of a person~~ under section
16 229.6 or at any subsequent time prior to conclusion
17 of the involuntary hospitalization proceeding, also
18 petition the court for a finding that the person is
19 incompetent by reason of mental illness. The test
20 of competence for the purpose of this section shall
21 be whether the person possesses sufficient mind to
22 understand in a reasonable manner the nature and effect
23 of the act in which the person is engaged; the fact
24 that a person is mentally ill and in need of treatment
25 for that illness but because of the illness lacks
26 sufficient judgment to make responsible decisions with
27 respect to the person's hospitalization or treatment
28 does not necessarily mean that that person is incapable
29 of transacting business on any subject.

30 Sec. 38. Section 602.1209, subsection 16, Code
31 2013, is amended to read as follows:

32 16. Prescribe practices and procedures for the
33 implementation of the preapplication screening
34 assessment program referred to in ~~section~~ sections
35 125.75A and 229.5A.

36 Sec. 39. REPEAL. Sections 125.75B and 229.2A, Code
37 2013, are repealed.

38 Sec. 40. STUDY — BED AVAILABILITY TRACKING
39 SYSTEM. The department of human services shall
40 conduct a study regarding the possible development
41 of a hospital bed tracking system in order to most
42 efficiently and effectively serve the needs of persons
43 suffering from mental illness. The department shall
44 submit a report of the study and make recommendations
45 to the governor and the general assembly by December
46 16, 2013.

47 DIVISION III
48 DEPARTMENT OF HUMAN RIGHTS RESPONSIBILITY FOR MENTAL
49 HEALTH ADVOCATES

50 Sec. 41. NEW SECTION. 216A.171 **Definitions.**

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1 As used in this subchapter, unless the context
2 otherwise requires:
3 1. "Administrator" means the administrator of the
4 office of mental health advocate of the department of
5 human rights.
6 2. "Office" means the office of mental health
7 advocate of the department of human rights.
8 Sec. 42. NEW SECTION. 216A.172 Duties of
9 administrator.
10 The administrator shall administer the office's
11 conduct of the mental health advocate program as
12 provided by section 229.19 and other applicable law.
13 The administrator's duties may include but are not
14 limited to all of the following:
15 1. Appointing persons to serve as mental health
16 advocates and other office staff and identifying
17 qualifications for persons serving as a mental health
18 advocate. The minimum qualifications for a mental
19 health advocate whose initial appointment commences on
20 or after July 1, 2013, shall be a bachelor's degree
21 from an accredited school, college, or university in
22 social work, counseling, human services, health, or
23 nursing and one year of experience in the provision of
24 mental health services. A person who is a licensed
25 registered nurse pursuant to chapter 152 who is current
26 with applicable continuing education requirements
27 shall be deemed to have met the minimum experience
28 requirement.
29 2. Training and supervising office staff.
30 3. Implementing procedures for appointing,
31 dismissing, and supervising advocates.
32 4. Administering program additions and expansions,
33 including providing advocate services for persons with
34 a substance-related disorder and persons found not
35 guilty by reason of insanity, if such additions or
36 expansions are authorized and funded.
37 5. Developing and implementing a case weight system
38 for use in appointing and compensating advocates.
39 6. Administering case reviews and audits.
40 Sec. 43. TRANSITION.
41 1. The department of human rights shall commence
42 organizational activities during the fiscal year
43 beginning July 1, 2013, as necessary to fully implement
44 this division and assume responsibility for mental
45 health advocates as provided in this division and
46 division II of this Act on July 1, 2014.
47 2. If necessary for the purposes of subsection
48 1, the department of human rights may adopt emergency
49 rules under section 17A.4, subsection 3, and section
50 17A.5, subsection 2, paragraph "b", to implement the

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1 provisions of division II of this Act on July 1, 2014,
2 and the rules shall be effective immediately upon
3 filing unless a later date is specified in the rules.
4 Any rules adopted in accordance with this section shall
5 also be published as a notice of intended action as
6 provided in section 17A.4.

7 DIVISION IV

8 IMPLEMENTATION — MENTAL HEALTH ADVOCATES

9 Sec. 44. Section 225C.4, subsection 1, paragraph m,
10 Code 2013, is amended to read as follows:

11 m. Provide consultation and technical assistance to
12 ~~patients'~~ mental health advocates appointed pursuant
13 to section 229.19, in cooperation with the judicial
14 branch and the department of human rights, and to the
15 resident advocate committees appointed for health care
16 facilities pursuant to section 135C.25.

17 Sec. 45. Section 226.31, Code 2013, is amended to
18 read as follows:

19 **226.31 Examination by court — notice.**

20 Before granting the order authorized in section
21 226.30 the court or judge shall investigate the
22 allegations of the petition and before proceeding to a
23 hearing on the allegations shall require notice to be
24 served on the attorney who represented the patient in
25 any prior proceedings under sections 229.6 to 229.15
26 ~~or the and to any mental health advocate appointed for~~
27 the patient under section 229.19, or in the case of a
28 patient who entered the hospital voluntarily, on any
29 relative, friend, or guardian of the person in question
30 of the filing of the application. At the hearing the
31 court or judge shall appoint a guardian ad litem for
32 the person, if the court or judge deems such action
33 necessary to protect the rights of the person. The
34 guardian ad litem shall be a practicing attorney.

35 Sec. 46. Section 229.2, subsection 1, paragraph
36 b, subparagraph (6), Code 2013, is amended to read as
37 follows:

38 (6) Upon approval of the admission of a minor
39 over the minor's objections, the juvenile court shall
40 notify the office of mental health advocate of the
41 department of human rights and the office shall appoint
42 an individual to act as an the mental health advocate
43 representing the interests of for the minor in the
44 same manner as an advocate representing the interests
45 of patients involuntarily hospitalized pursuant to in
46 accordance with section 229.19.

47 Sec. 47. Section 229.9A, Code 2013, is amended to
48 read as follows:

49 **229.9A Advocate Mental health advocate informed —**
50 **hearings.**

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1 The court shall direct the clerk to furnish
2 the office of the mental health advocate of the
3 respondent's county of legal settlement designated
4 for the court by the department of human rights with
5 a copy of application and any order issued pursuant
6 to section 229.8, subsection 3. The mental health
7 advocate designated for the court may attend the
8 hospitalization any court hearing of any involving the
9 respondent for whom the advocate has received notice of
10 a hospitalization hearing.

11 Sec. 48. Section 229.12, subsection 2, Code 2013,
12 is amended to read as follows:

13 2. All persons not necessary for the conduct of
14 the proceeding shall be excluded, except that the
15 court may admit persons having a legitimate interest
16 in the proceeding and shall permit the mental health
17 advocate from the respondent's county of legal
18 settlement designated for the court by the department
19 of human rights to attend the hearing. Upon motion
20 of the county attorney, the judge may exclude the
21 respondent from the hearing during the testimony of
22 any particular witness if the judge determines that
23 witness's testimony is likely to cause the respondent
24 severe emotional trauma.

25 Sec. 49. Section 229.14A, subsection 1, Code 2013,
26 is amended to read as follows:

27 1. With respect to a chief medical officer's
28 report made pursuant to section 229.14, subsection 1,
29 paragraph "b", "c", or "d", or any other provision of
30 this chapter related to involuntary commitment for
31 which the court issues a placement order or a transfer
32 of placement is authorized, the court shall provide
33 notice to the respondent, and the respondent's attorney
34 or, and any mental health advocate appointed for the
35 respondent pursuant to section 229.19 concerning the
36 placement order and the respondent's right to request
37 a placement hearing to determine if the order for
38 placement or transfer of placement is appropriate.

39 Sec. 50. Section 229.14A, subsection 5, paragraph
40 c, Code 2013, is amended to read as follows:

41 c. If the respondent's attorney has withdrawn
42 pursuant to section 229.19, the court shall appoint an
43 attorney for the respondent in the manner described in
44 section 229.8, subsection 1.

45 Sec. 51. Section 229.15, subsection 6, Code 2013,
46 is amended to read as follows:

47 6. Upon receipt of any report required or
48 authorized by this section the court shall furnish a
49 copy to the patient's attorney, or alternatively and
50 to the mental health advocate appointed as required

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1 ~~by section 229.19 for the patient.~~ The court shall
2 examine the report and take the action thereon which
3 it deems appropriate. Should the court fail to
4 receive any report required by this section or section
5 229.14 at the time the report is due, the court shall
6 investigate the reason for the failure to report and
7 take whatever action may be necessary in the matter.
8 Sec. 52. Section 229.19, Code 2013, is amended to
9 read as follows:
10 **229.19 Advocates Mental health advocates — duties**
11 **~~— compensation — state and county liability.~~**
12 1. ~~a. In each county with a population of three~~
13 ~~hundred thousand or more inhabitants the board of~~
14 ~~supervisors shall appoint an individual who has~~
15 ~~demonstrated by prior activities an informed concern~~
16 ~~for the welfare and rehabilitation of persons with~~
17 ~~mental illness, and who is not an officer or employee~~
18 ~~of the department of human services nor of any agency~~
19 ~~or facility providing care or treatment to persons with~~
20 ~~mental illness, to act as an advocate representing~~
21 ~~the interests of patients involuntarily hospitalized~~
22 ~~by the court, in any matter relating to the patients'~~
23 ~~hospitalization or treatment under section 229.14 or~~
24 ~~229.15. In each county with a population of under~~
25 ~~three hundred thousand inhabitants, the chief judge~~
26 ~~of the judicial district encompassing the county~~
27 ~~shall appoint the advocate. For the purposes of this~~
28 ~~section, "office" means the office of mental health~~
29 ~~advocate of the department of human rights.~~
30 ~~b. The court or, if the advocate is appointed by~~
31 ~~the county board of supervisors, the board shall assign~~
32 ~~the advocate appointed from a patient's county of legal~~
33 ~~settlement to represent the interests of the patient.~~
34 ~~If a patient has no county of legal settlement, the~~
35 ~~court or, if the advocate is appointed by the county~~
36 ~~board of supervisors, the board shall assign the~~
37 ~~advocate appointed from the county where the hospital~~
38 ~~or facility is located to represent the interests of~~
39 ~~the patient.~~
40 ~~c. The advocate's responsibility with respect to~~
41 ~~any patient shall begin at whatever time the attorney~~
42 ~~employed or appointed to represent that patient as~~
43 ~~respondent in hospitalization proceedings, conducted~~
44 ~~under sections 229.6 to 229.13, reports to the court~~
45 ~~that the attorney's services are no longer required and~~
46 ~~requests the court's approval to withdraw as counsel~~
47 ~~for that patient. However, if~~
48 ~~b. If the patient is found to be seriously mentally~~
49 ~~impaired at the hospitalization hearing, the attorney~~
50 ~~representing the patient shall automatically be~~

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1 ~~relieved of responsibility in the case and an a mental~~
2 ~~health advocate shall be assigned to appointed for~~
3 ~~the patient at the conclusion of the hearing unless~~
4 ~~the attorney indicates an intent to continue the~~
5 ~~attorney's services and.~~ The court shall notify the
6 office of the court's finding and the office shall
7 appoint an advocate for the patient. The advocate's
8 responsibility with respect to a patient shall begin
9 when the advocate is appointed for the patient. The
10 attorney representing the patient shall automatically
11 be relieved of responsibility at the conclusion of
12 the hearing unless the attorney requests to continue
13 representation and the court ~~so directs~~ authorizes the
14 attorney to remain on the case. If the court directs
15 the attorney to remain on the case, the attorney shall
16 ~~assume all the duties of an advocate~~ cooperate with
17 the advocate appointed for the patient. The clerk
18 shall furnish the advocate with a copy of the court's
19 order approving the withdrawal or continuation of the
20 attorney and shall inform the patient of the name of
21 the patient's advocate.
22 ~~d. c.~~ With regard to each patient whose interests
23 ~~the for whom a mental health advocate is required to~~
24 ~~represent appointed~~ pursuant to this section, the
25 advocate's duties shall include all of the following:
26 (1) To review each report submitted pursuant to
27 sections 229.14 and 229.15.
28 (2) ~~If the advocate is not an attorney, to To~~
29 advise the court at any time it appears that the
30 services of an attorney are required to properly
31 safeguard the patient's interests.
32 (3) To be readily accessible to communications from
33 the patient and to originate communications with the
34 patient within five days of the patient's commitment.
35 (4) To visit the patient within fifteen days of the
36 patient's commitment and periodically thereafter.
37 (5) To communicate with medical personnel treating
38 the patient and to review the patient's medical records
39 pursuant to section 229.25.
40 (6) To file with the court and the office quarterly
41 reports, and additional reports as the advocate feels
42 necessary or as required by the ~~court~~ office, in a form
43 prescribed by the ~~court~~ office. The reports shall
44 state what actions the advocate has taken with respect
45 to each patient and the amount of time spent.
46 (7) To utilize the related best practices for the
47 duties identified in this paragraph ~~"d"~~ "c" developed
48 and promulgated by the judicial council.
49 ~~e. d.~~ As Subject to the availability of funding
50 appropriated for this purpose, a mental health advocate

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1 may also be appointed pursuant to this section for an
2 individual who has been diagnosed with a co-occurring
3 mental illness and ~~substance-related~~ substance-related
4 disorder.

5 2. The hospital or facility to which a patient is
6 committed shall grant all reasonable requests of the
7 patient's mental health advocate to visit the patient,
8 to communicate with medical personnel treating the
9 patient, and to review the patient's medical records
10 pursuant to section 229.25. An advocate shall not
11 disseminate information from a patient's medical
12 records to any other person unless done for official
13 purposes in connection with the advocate's duties
14 pursuant to this chapter or when required by law.

15 3. ~~The court or, if the advocate is appointed by~~
16 ~~the county board of supervisors, the board office shall~~
17 ~~prescribe provide~~ reasonable compensation for the
18 services of the advocate in accordance with section
19 ~~216A.172. The compensation shall be based upon the~~
20 ~~reports filed by the advocate with the court. The~~
21 ~~advocate's compensation shall be paid by the county~~
22 ~~in which the court is located, either on order of the~~
23 ~~court or, if the advocate is appointed by the county~~
24 ~~board of supervisors, on the direction of the board.~~
25 ~~If the advocate is appointed by the court, the advocate~~
26 ~~is an employee of the state for purposes of chapter~~
27 ~~669. If the advocate is appointed by the county~~
28 ~~board of supervisors, the advocate is an employee~~
29 ~~of the county for purposes of chapter 670. If the~~
30 ~~patient or the person who is legally liable for the~~
31 ~~patient's support is not indigent, the board office~~
32 ~~shall recover the costs of compensating the advocate~~
33 ~~from that person. If that person has an income level~~
34 ~~as determined pursuant to section 815.9 greater than~~
35 ~~one hundred percent but not more than one hundred~~
36 ~~fifty percent of the poverty guidelines, at least~~
37 ~~one hundred dollars of the advocate's compensation~~
38 ~~shall be recovered in the manner prescribed by the~~
39 ~~county board of supervisors. If that person has~~
40 ~~an income level as determined pursuant to section~~
41 ~~815.9 greater than one hundred fifty percent of the~~
42 ~~poverty guidelines, at least two hundred dollars of~~
43 ~~the advocate's compensation shall be recovered in~~
44 ~~substantially the same manner prescribed by the county~~
45 ~~board of supervisors as provided in section 815.9.~~

46 Sec. 53. Section 229.25, subsection 1, paragraph
47 a, subparagraph (1), Code 2013, is amended to read as
48 follows:

49 (1) The information is requested by a licensed
50 physician, attorney, or the mental health advocate

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1 ~~who provides~~ appointed for the person. The requester
2 ~~must provide~~ the chief medical officer with a written
3 waiver signed by the person about whom the information
4 is sought.
5 Sec. 54. TRANSITION OF EMPLOYEE RIGHTS OF FORMER
6 COUNTY EMPLOYEES.
7 1. If appointed by the administrator of the office
8 of mental health advocate of the department of human
9 rights pursuant to section 216A.172, county employees
10 paid for mental health advocate services under section
11 229.19 shall become employees of the department of
12 human rights effective July 1, 2014, and the department
13 shall assume all costs associated with the functions
14 of the employees on that date. Employees who were
15 paid salaries by the counties immediately prior to
16 becoming state employees as a result of this Act shall
17 not forfeit accrued vacation, accrued sick leave, or
18 benefits related to longevity of service, except as
19 provided in this section.
20 2. The department of human rights, after consulting
21 with the department of administrative services, shall
22 adopt rules to provide for the following:
23 a. A person referred to in subsection 1 shall have
24 to the person's credit as a state employee commencing
25 on the date of becoming a state employee the number of
26 accrued vacation days that was credited to the person
27 as a county employee as of the end of the day prior to
28 becoming a state employee.
29 b. Each person referred to in subsection 1 shall
30 have to the person's credit as a state employee
31 commencing on the date of becoming a state employee the
32 number of accrued days of sick leave that was credited
33 to the person as a county employee as of the end of the
34 day prior to becoming a state employee. However, the
35 number of days of sick leave credited to a person under
36 this subsection and eligible to be taken when sick
37 or eligible to be received upon retirement shall not
38 respectively exceed the maximum number of days, if any,
39 or the maximum dollar amount as provided in section
40 70A.23 that state employees generally are entitled to
41 accrue or receive according to rules in effect as of
42 the date the person becomes a state employee.
43 c. Commencing on the date of becoming a state
44 employee, each person referred to in subsection 1 is
45 entitled to claim the person's most recent continuous
46 period of service in full-time county employment as
47 full-time state employment for purposes of determining
48 the number of days of vacation which the person is
49 entitled to earn each year. The actual vacation
50 benefit, including the limitation on the maximum

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1 accumulated vacation leave, shall be determined
2 as provided in section 70A.1 according to rules in
3 effect for state employees of comparable longevity,
4 irrespective of any greater or lesser benefit as a
5 county employee.

6 3. Persons referred to in subsection 1 who were
7 covered by county employee life insurance and accident
8 and health insurance plans prior to becoming state
9 employees in accordance with this section shall be
10 permitted to apply prior to becoming state employees
11 for life insurance and health and accident insurance
12 plans that are available to state employees so that
13 those persons do not suffer a lapse of insurance
14 coverage as a result of this section. The department
15 of human rights, after consulting with the department
16 of administrative services, shall prescribe rules and
17 distribute application forms and take other actions
18 as necessary to enable those persons to elect to
19 have insurance coverage that is in effect on the date
20 of becoming state employees. The actual insurance
21 coverage available to a person shall be determined
22 by the plans that are available to state employees,
23 irrespective of any greater or lesser benefits that may
24 have been available to the person as a county employee.

25 4. Commencing on the date of becoming a state
26 employee, each person referred to in subsection 1 is
27 entitled to claim the person's most recent continuous
28 period of service in full-time county employment as
29 full-time state employment for purposes of determining
30 disability benefits as provided in section 70A.20
31 according to rules in effect for state employees of
32 comparable longevity, irrespective of any greater or
33 lesser benefit that may have been available to the
34 person as a county employee.

35 Sec. 55. EFFECTIVE DATE. This division of this Act
36 takes effect July 1, 2014.>

M. SMITH of Marshall

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Senate File 358

H-1270

1 Amend the amendment, H-1261, to Senate File 358,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 3 through 9 and
5 inserting:
6 <____. By striking page 2, line 35, through page 3,
7 line 5, and inserting:
8 4. a. A vendee of a real estate contract or bond
9 for deed, the vendor of which is barred by this section
10 from maintaining an action to foreclose or enforce
11 the contract or bond, or a vendee who is entitled
12 to immediate issuance of a deed in fulfillment of
13 contract or bond and who is in physical possession of
14 the property, may serve the vendor with a demand for a
15 deed as provided in the contract. For purposes of this
16 subsection, "vendee" includes a vendee's successor in
17 interest. The notice may be served personally>>

HAGENOW of Polk

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Senate File 224

H-1271

- 1 Amend the amendment, H-1259, to Senate File 224, as
- 2 passed by the Senate, as follows:
- 3 1. By striking page 1, line 50, through page 2,
- 4 line 17.
- 5 2. Page 2, by striking lines 24 through 26 and
- 6 inserting <321.196, subsection 1.>>
- 7 3. Page 2, lines 31 and 32, by striking <and
- 8 applicability>
- 9 4. By renumbering as necessary.

MURPHY of Dubuque



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Senate File 396

H-1272

- 1 Amend Senate File 396, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 34, line 16, through page 35,
- 4 line 35.
- 5 2. By renumbering, redesignating, and correcting
- 6 internal references as necessary.

PETTENGILL of Benton

MASCHER of Johnson



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Senate File 430

H-1273

1 Amend Senate File 430, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 FY 2013-2014

7 Section 1. DEPARTMENT OF CULTURAL AFFAIRS.

8 1. There is appropriated from the general fund of
9 the state to the department of cultural affairs for the
10 fiscal year beginning July 1, 2013, and ending June 30,
11 2014, the following amounts, or so much thereof as is
12 necessary, to be used for the purposes designated:

13 a. ADMINISTRATION

14 For salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-time
16 equivalent positions for the department:

17 \$ 171,813
18 FTEs 74.50

19 The department of cultural affairs shall coordinate
20 activities with the tourism office of the economic
21 development authority to promote attendance at the
22 state historical building and at this state's historic
23 sites.

24 Full-time equivalent positions authorized under this
25 paragraph shall be funded, in full or in part, using
26 moneys appropriated under this paragraph and paragraphs
27 "c" through "g".

28 b. COMMUNITY CULTURAL GRANTS

29 For planning and programming for the community
30 cultural grants program established under section
31 303.3:

32 \$ 172,090

33 c. HISTORICAL DIVISION

34 For the support of the historical division:

35 \$ 3,017,701

36 d. HISTORIC SITES

37 For the administration and support of historic
38 sites:

39 \$ 426,398

40 e. ARTS DIVISION

41 For the support of the arts division:

42 \$ 1,233,764

43 f. IOWA GREAT PLACES

44 For the Iowa great places program established under
45 section 303.3C:

46 \$ 150,000

47 g. ARCHIVE IOWA GOVERNORS' RECORDS

48 For archiving the records of Iowa governors:

49 \$ 65,933

50 h. RECORDS CENTER RENT

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1 For payment of rent for the state records center:
2 \$ 227,243
3 i. BATTLE FLAGS
4 For continuation of the project recommended by the
5 Iowa battle flag advisory committee to stabilize the
6 condition of the battle flag collection:
7 \$ 94,000
8 2. Notwithstanding section 8.33, moneys
9 appropriated in this section that remain unencumbered
10 or unobligated at the close of the fiscal year shall
11 not revert but shall remain available for expenditure
12 for the purposes designated until the close of the
13 succeeding fiscal year.
14 Sec. 2. GOALS AND ACCOUNTABILITY — ECONOMIC
15 DEVELOPMENT.
16 1. For the fiscal year beginning July 1, 2013, the
17 goals for the economic development authority shall be
18 to expand and stimulate the state economy, increase the
19 wealth of Iowans, and increase the population of the
20 state.
21 2. To achieve the goals in subsection 1, the
22 economic development authority shall do all of the
23 following for the fiscal year beginning July 1, 2013:
24 a. Concentrate its efforts on programs and
25 activities that result in commercially viable products
26 and services.
27 b. Adopt practices and services consistent with
28 free market, private sector philosophies.
29 c. Ensure economic growth and development
30 throughout the state.
31 d. Work with businesses and communities to
32 continually improve the economic development climate
33 along with the economic well-being and quality of life
34 for Iowans.
35 e. Coordinate with other state agencies to
36 ensure that they are attentive to the needs of an
37 entrepreneurial culture.
38 f. Establish a strong and aggressive marketing
39 image to showcase Iowa's workforce, existing industry,
40 and potential. A priority shall be placed on
41 recruiting new businesses, business expansion, and
42 retaining existing Iowa businesses. Emphasis shall be
43 placed on entrepreneurial development through helping
44 entrepreneurs secure capital, and developing networks
45 and a business climate conducive to entrepreneurs and
46 small businesses.
47 g. Encourage the development of communities and
48 quality of life to foster economic growth.
49 h. Prepare communities for future growth and
50 development through development, expansion, and

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1 modernization of infrastructure.
2 i. Develop public-private partnerships with
3 Iowa businesses in the tourism industry, Iowa tour
4 groups, Iowa tourism organizations, and political
5 subdivisions in this state to assist in the development
6 of advertising efforts.
7 j. Develop, to the fullest extent possible,
8 cooperative efforts for advertising with contributions
9 from other sources.
10 Sec. 3. ECONOMIC DEVELOPMENT AUTHORITY.
11 1. APPROPRIATION
12 a. There is appropriated from the general fund of
13 the state to the economic development authority for the
14 fiscal year beginning July 1, 2013, and ending June 30,
15 2014, the following amount, or so much thereof as is
16 necessary, to be used for the purposes designated in
17 this subsection, and for not more than the following
18 full-time equivalent positions:
19 \$ 13,224,424
20 FTEs 149.00
21 b. (1) For salaries, support, miscellaneous
22 purposes, programs, marketing, and the maintenance of
23 an administration division, a business development
24 division, a community development division, a small
25 business development division, and other divisions the
26 authority may organize.
27 (2) The full-time equivalent positions authorized
28 under this section shall be funded, in whole or in
29 part, by the moneys appropriated under this subsection
30 or by other moneys received by the authority, including
31 certain federal moneys.
32 (3) For business development operations and
33 programs, international trade, export assistance,
34 workforce recruitment, and the partner state program.
35 (4) For transfer to the strategic investment fund
36 created in section 15.313.
37 (5) For community economic development programs,
38 tourism operations, community assistance, plans
39 for Iowa green corps and summer youth programs,
40 the mainstreet and rural mainstreet programs, the
41 school-to-career program, the community development
42 block grant, and housing and shelter-related programs.
43 (6) For achieving the goals and accountability, and
44 fulfilling the requirements and duties required under
45 this Act.
46 c. Notwithstanding section 8.33, moneys
47 appropriated in this subsection that remain
48 unencumbered or unobligated at the close of the fiscal
49 year shall not revert but shall remain available
50 for expenditure for the purposes designated in this

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1 subsection until the close of the succeeding fiscal
2 year.

3 2. FINANCIAL ASSISTANCE RESTRICTIONS

4 a. A business creating jobs through moneys
5 appropriated in subsection 1 shall be subject to
6 contract provisions requiring new and retained jobs to
7 be filled by individuals who are citizens of the United
8 States who reside within the United States or any
9 person authorized to work in the United States pursuant
10 to federal law, including legal resident aliens in the
11 United States.

12 b. Any vendor who receives moneys appropriated in
13 subsection 1 shall adhere to such contract provisions
14 and provide periodic assurances as the state shall
15 require that the jobs are filled solely by citizens of
16 the United States who reside within the United States
17 or any person authorized to work in the United States
18 pursuant to federal law, including legal resident
19 aliens in the United States.

20 c. A business that receives financial assistance
21 from the authority from moneys appropriated in
22 subsection 1 shall only employ individuals legally
23 authorized to work in this state. In addition to all
24 other applicable penalties provided by current law, all
25 or a portion of the assistance received by a business
26 which is found to knowingly employ individuals not
27 legally authorized to work in this state is subject to
28 recapture by the authority.

29 3. USES OF APPROPRIATIONS

30 a. From the moneys appropriated in subsection 1,
31 the authority may provide financial assistance in the
32 form of a grant to a community economic development
33 entity for conducting a local workforce recruitment
34 effort designed to recruit former citizens of the state
35 and former students at colleges and universities in the
36 state to meet the needs of local employers.

37 b. From the moneys appropriated in subsection 1,
38 the authority may provide financial assistance to early
39 stage industry companies being established by women
40 entrepreneurs.

41 c. From the moneys appropriated in subsection 1,
42 the authority may provide financial assistance in the
43 form of grants, loans, or forgivable loans for advanced
44 research and commercialization projects involving
45 value-added agriculture, advanced technology, or
46 biotechnology.

47 d. The authority shall not use any moneys
48 appropriated in subsection 1 for purposes of providing
49 financial assistance for the Iowa green streets pilot
50 project or for any other program or project that

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1 involves the installation of geothermal systems for
2 melting snow and ice from streets or sidewalks.

3 4. WORLD FOOD PRIZE

4 There is appropriated from the general fund of the
5 state to the economic development authority for the
6 fiscal year beginning July 1, 2013, and ending June 30,
7 2014, the following amount for the world food prize
8 and in lieu of the standing appropriation in section
9 15.368, subsection 1:

10 \$ 750,000

11 5. IOWA COMMISSION ON VOLUNTEER SERVICE

12 There is appropriated from the general fund of the
13 state to the economic development authority for the
14 fiscal year beginning July 1, 2013, and ending June 30,
15 2014, the following amount for allocation to the Iowa
16 commission on volunteer service for purposes of the
17 Iowa state commission grant program, the Iowa's promise
18 and Iowa mentoring partnership programs, and for not
19 more than the following full-time equivalent positions:

20 \$ 178,133

21 FTEs 7.00

22 Of the moneys appropriated in this subsection,
23 the authority shall allocate \$75,000 for purposes of
24 the Iowa state commission grant program and \$103,133
25 for purposes of the Iowa's promise and Iowa mentoring
26 partnership programs.

27 Notwithstanding section 8.33, moneys appropriated in
28 this subsection that remain unencumbered or unobligated
29 at the close of the fiscal year shall not revert but
30 shall remain available for expenditure for the purposes
31 designated until the close of the succeeding fiscal
32 year.

33 6. EMPLOYEE STOCK OWNERSHIP PLANS FORMATION
34 ASSISTANCE

35 a. There is appropriated from the general fund of
36 the state to the economic development authority for the
37 fiscal year beginning July 1, 2013, and ending June 30,
38 2014, the following amount to be used for the providing
39 of financial assistance, including establishment of
40 a loan program, and technical assistance, marketing,
41 and education to businesses interested in establishing
42 employee stock ownership plans and for procuring the
43 services of an independent contractor with expertise in
44 the formation of the employee stock ownership plans:

45 \$ 400,000

46 Notwithstanding section 8.33, moneys appropriated in
47 this subsection that remain unencumbered or unobligated
48 at the close of the fiscal year shall not revert but
49 shall remain available for expenditure for the purposes
50 designated until the close of the succeeding fiscal

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1 year. Notwithstanding section 12C.7, subsection 2,
2 earnings or interest on moneys appropriated pursuant
3 to this subsection shall be retained by the economic
4 development authority and used for the purposes
5 designated until expended.
6 b. On or before January 15, 2015, the authority
7 shall submit a report to the general assembly and the
8 governor's office describing the expenditure of funds
9 pursuant to this subsection and evaluating the success
10 of the assistance and promotion program.
11 7. COUNCILS OF GOVERNMENTS — ASSISTANCE
12 There is appropriated from the general fund of the
13 state to the economic development authority for the
14 fiscal year beginning July 1, 2013, and ending June 30,
15 2014, the following amount to be used for the purposes
16 of providing financial assistance to Iowa's councils
17 of governments:
18 \$ 175,000
19 Sec. 4. VISION IOWA PROGRAM — FTE
20 AUTHORIZATION. For purposes of administrative
21 duties associated with the vision Iowa program for
22 the fiscal year beginning July 1, 2013, the economic
23 development authority is authorized an additional 2.25
24 FTEs above those otherwise authorized in this division
25 of this Act.
26 Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From
27 the moneys collected by the division of insurance in
28 excess of the anticipated gross revenues under section
29 505.7, subsection 3, during the fiscal year beginning
30 July 1, 2013, \$100,000 shall be transferred to the
31 economic development authority for insurance economic
32 development and international insurance economic
33 development.
34 Sec. 6. WORKFORCE DEVELOPMENT FUND. There is
35 appropriated from the workforce development fund
36 account created in section 15.342A to the workforce
37 development fund created in section 15.343 for the
38 fiscal year beginning July 1, 2013, and ending June
39 30, 2014, the following amount, for purposes of the
40 workforce development fund:
41 \$ 4,000,000
42 Sec. 7. IOWA STATE UNIVERSITY.
43 1. There is appropriated from the general fund
44 of the state to Iowa state university of science
45 and technology for the fiscal year beginning July
46 1, 2013, and ending June 30, 2014, the following
47 amount, or so much thereof as is necessary, to be used
48 for small business development centers, the science
49 and technology research park, and the institute for
50 physical research and technology, and for not more than

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1 the following full-time equivalent positions:
2 \$ 2,424,302
3 FTEs 56.63
4 2. Of the moneys appropriated in subsection 1,
5 Iowa state university of science and technology shall
6 allocate at least \$735,728 for purposes of funding
7 small business development centers. Iowa state
8 university of science and technology may allocate
9 moneys appropriated in subsection 1 to the various
10 small business development centers in any manner
11 necessary to achieve the purposes of this subsection.
12 3. Iowa state university of science and technology
13 shall do all of the following:
14 a. Direct expenditures for research toward projects
15 that will provide economic stimulus for Iowa.
16 b. Provide emphasis to providing services to
17 Iowa-based companies.
18 4. It is the intent of the general assembly
19 that the industrial incentive program focus on Iowa
20 industrial sectors and seek contributions and in-kind
21 donations from businesses, industrial foundations, and
22 trade associations, and that moneys for the institute
23 for physical research and technology industrial
24 incentive program shall be allocated only for projects
25 which are matched by private sector moneys for directed
26 contract research or for nondirected research. The
27 match required of small businesses as defined in
28 section 15.102, subsection 10, for directed contract
29 research or for nondirected research shall be \$1 for
30 each \$3 of state funds. The match required for other
31 businesses for directed contract research or for
32 nondirected research shall be \$1 for each \$1 of state
33 funds. The match required of industrial foundations
34 or trade associations shall be \$1 for each \$1 of state
35 funds.
36 Iowa state university of science and technology
37 shall report annually to the joint appropriations
38 subcommittee on economic development and the
39 legislative services agency the total amount of
40 private contributions, the proportion of contributions
41 from small businesses and other businesses, and
42 the proportion for directed contract research and
43 nondirected research of benefit to Iowa businesses and
44 industrial sectors.
45 5. Notwithstanding section 8.33, moneys
46 appropriated in this section that remain unencumbered
47 or unobligated at the close of the fiscal year shall
48 not revert but shall remain available for expenditure
49 for the purposes designated until the close of the
50 succeeding fiscal year.

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1 Sec. 8. UNIVERSITY OF IOWA.

2 1. There is appropriated from the general fund
3 of the state to the state university of Iowa for the
4 fiscal year beginning July 1, 2013, and ending June
5 30, 2014, the following amount, or so much thereof
6 as is necessary, to be used for the state university
7 of Iowa research park and for the advanced drug
8 development program at the Oakdale research park,
9 including salaries, support, maintenance, equipment,
10 miscellaneous purposes, and for not more than the
11 following full-time equivalent positions:

12 \$ 209,279
13 FTEs 6.00

14 2. The state university of Iowa shall do all of the
15 following:

16 a. Direct expenditures for research toward projects
17 that will provide economic stimulus for Iowa.

18 b. Provide emphasis to providing services to
19 Iowa-based companies.

20 3. Notwithstanding section 8.33, moneys
21 appropriated in this section that remain unencumbered
22 or unobligated at the close of the fiscal year shall
23 not revert but shall remain available for expenditure
24 for the purposes designated until the close of the
25 succeeding fiscal year.

26 Sec. 9. UNIVERSITY OF NORTHERN IOWA.

27 1. There is appropriated from the general fund of
28 the state to the university of northern Iowa for the
29 fiscal year beginning July 1, 2013, and ending June 30,
30 2014, the following amount, or so much thereof as is
31 necessary, to be used for the metal casting institute,
32 the MyEntreNet internet application, and the institute
33 of decision making, including salaries, support,
34 maintenance, miscellaneous purposes, and for not more
35 than the following full-time equivalent positions:

36 \$ 574,716
37 FTEs 6.75

38 2. Of the moneys appropriated pursuant to
39 subsection 1, the university of northern Iowa shall
40 allocate at least \$117,639 for purposes of support
41 of entrepreneurs through the university's regional
42 business center.

43 3. The university of northern Iowa shall do all of
44 the following:

45 a. Direct expenditures for research toward projects
46 that will provide economic stimulus for Iowa.

47 b. Provide emphasis to providing services to
48 Iowa-based companies.

49 4. Notwithstanding section 8.33, moneys
50 appropriated in this section that remain unencumbered

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1 or unobligated at the close of the fiscal year shall
2 not revert but shall remain available for expenditure
3 for the purposes designated until the close of the
4 succeeding fiscal year.
5 Sec. 10. REGENTS INNOVATION FUND.
6 1. There is appropriated from the general fund
7 of the state to the state board of regents for the
8 fiscal year beginning July 1, 2013, and ending June 30,
9 2014, the following amount to be used for the purposes
10 provided in this section:
11 \$ 3,000,000
12 Of the moneys appropriated pursuant to this
13 section, 35 percent shall be allocated for Iowa state
14 university, 35 percent shall be allocated for the
15 university of Iowa, and 30 percent shall be allocated
16 for the university of northern Iowa.
17 2. The institutions shall use moneys appropriated
18 in this section for capacity building infrastructure
19 in areas related to technology commercialization,
20 marketing and business development efforts in
21 areas related to technology commercialization,
22 entrepreneurship, and business growth, and
23 infrastructure projects and programs needed to assist
24 in implementation of activities under chapter 262B.
25 3. The institutions shall provide a one-to-one
26 match of additional moneys for the activities funded
27 with moneys appropriated under this section.
28 4. The state board of regents shall annually submit
29 a report by January 15 of each year to the governor,
30 the general assembly, and the legislative services
31 agency regarding the activities, projects, and programs
32 funded with moneys allocated under this section. The
33 report shall be provided in an electronic format and
34 shall include a list of metrics and criteria mutually
35 agreed to in advance by the board of regents and
36 the economic development authority. The metrics and
37 criteria shall allow the governor's office and the
38 general assembly to quantify and evaluate the progress
39 of the board of regents institutions with regard to
40 their activities, projects, and programs in the areas
41 of technology commercialization, entrepreneurship,
42 regional development, and market research.
43 5. Notwithstanding section 8.33, moneys
44 appropriated in this section that remain unencumbered
45 or unobligated at the close of the fiscal year shall
46 not revert but shall remain available for expenditure
47 for the purposes designated until the close of the
48 succeeding fiscal year.
49 Sec. 11. BOARD OF REGENTS REPORT. The state board
50 of regents shall submit a report on the progress of

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1 regents institutions in meeting the strategic plan for
2 technology transfer and economic development to the
3 secretary of the senate, the chief clerk of the house
4 of representatives, and the legislative services agency
5 by January 15, 2014.

6 Sec. 12. IOWA FINANCE AUTHORITY.

7 1. There is appropriated from the general fund
8 of the state to the Iowa finance authority for the
9 fiscal year beginning July 1, 2013, and ending June 30,
10 2014, the following amount, or so much thereof as is
11 necessary, to be used to provide reimbursement for rent
12 expenses to eligible persons under the rent subsidy
13 program:

14 \$ 658,000

15 2. Participation in the rent subsidy program
16 shall be limited to only those persons who meet the
17 requirements for the nursing facility level of care for
18 home and community-based services waiver services as in
19 effect on July 1, 2013, and to those individuals who
20 are eligible for the federal money follows the person
21 grant program under the medical assistance program. Of
22 the moneys appropriated in this section, not more than
23 \$35,000 may be used for administrative costs.

24 Sec. 13. IOWA FINANCE AUTHORITY AUDIT. The auditor
25 of state is requested to review the audit of the Iowa
26 finance authority performed by the auditor hired by the
27 authority.

28 Sec. 14. PUBLIC EMPLOYMENT RELATIONS BOARD.

29 1. There is appropriated from the general fund of
30 the state to the public employment relations board for
31 the fiscal year beginning July 1, 2013, and ending June
32 30, 2014, the following amount, or so much thereof as
33 is necessary, for the purposes designated:

34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-time
36 equivalent positions:

37 \$ 1,341,926

38 FTEs 10.00

39 2. Of the moneys appropriated in this section,
40 the board shall allocate \$15,000 for maintaining a
41 website that allows searchable access to a database of
42 collective bargaining information.

43 Sec. 15. DEPARTMENT OF WORKFORCE

44 DEVELOPMENT. There is appropriated from the general
45 fund of the state to the department of workforce
46 development for the fiscal year beginning July 1, 2013,
47 and ending June 30, 2014, the following amounts, or
48 so much thereof as is necessary, for the purposes
49 designated:

50 1. DIVISION OF LABOR SERVICES

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1 a. For the division of labor services, including
2 salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-time
4 equivalent positions:
5 \$ 3,495,440
6 FTEs 64.00
7 b. From the contractor registration fees, the
8 division of labor services shall reimburse the
9 department of inspections and appeals for all costs
10 associated with hearings under chapter 91C, relating
11 to contractor registration.
12 2. DIVISION OF WORKERS' COMPENSATION
13 a. For the division of workers' compensation,
14 including salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-time
16 equivalent positions:
17 \$ 3,109,044
18 FTEs 30.00
19 b. The division of workers' compensation shall
20 charge a \$100 filing fee for workers' compensation
21 cases. The filing fee shall be paid by the petitioner
22 of a claim. However, the fee can be taxed as a cost
23 and paid by the losing party, except in cases where
24 it would impose an undue hardship or be unjust under
25 the circumstances. The moneys generated by the filing
26 fee allowed under this subsection are appropriated to
27 the department of workforce development to be used for
28 purposes of administering the division of workers'
29 compensation.
30 3. WORKFORCE DEVELOPMENT OPERATIONS
31 a. For the operation of field offices, the
32 workforce development board, and for not more than the
33 following full-time equivalent positions:
34 \$ 9,179,413
35 FTEs 130.00
36 b. Of the moneys appropriated in paragraph "a" of
37 this subsection, the department shall allocate \$150,000
38 to the state library for the purpose of licensing an
39 online resource which prepares persons to succeed in
40 the workplace through programs which improve job skills
41 and vocational test-taking abilities.
42 4. OFFENDER REENTRY PROGRAM
43 a. For the development and administration of an
44 offender reentry program to provide offenders with
45 employment skills, and for not more than the following
46 full-time equivalent positions:
47 \$ 284,464
48 FTEs 4.00
49 b. The department of workforce development shall
50 partner with the department of corrections to provide

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1 staff within the correctional facilities to improve
2 offenders' abilities to find and retain productive
3 employment.
4 5. NONREVERSION
5 Notwithstanding section 8.33, moneys appropriated in
6 this section that remain unencumbered or unobligated
7 at the close of the fiscal year shall not revert but
8 shall remain available for expenditure for the purposes
9 designated until the close of the succeeding fiscal
10 year.
11 Sec. 16. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
12 PROGRAM. There is appropriated from the general fund
13 of the state to the department of workforce development
14 for the fiscal year beginning July 1, 2013, and
15 ending June 30, 2014, the following amount, or so much
16 thereof as is necessary, to be used for the purposes
17 designated:
18 For enhancing efforts to investigate employers that
19 misclassify workers and for not more than the following
20 full-time equivalent positions:
21 \$ 451,458
22 FTEs 8.10
23 Sec. 17. SPECIAL EMPLOYMENT SECURITY CONTINGENCY
24 FUND.
25 1. There is appropriated from the special
26 employment security contingency fund to the department
27 of workforce development for the fiscal year beginning
28 July 1, 2013, and ending June 30, 2014, the following
29 amount, or so much thereof as is necessary, to be used
30 for field offices:
31 \$ 1,766,084
32 2. Any remaining additional penalty and interest
33 revenue collected by the department of workforce
34 development is appropriated to the department for the
35 fiscal year beginning July 1, 2013, and ending June 30,
36 2014, to accomplish the mission of the department.
37 Sec. 18. UNEMPLOYMENT COMPENSATION RESERVE FUND
38 — FIELD OFFICES. Notwithstanding section 96.9,
39 subsection 8, paragraph "e", there is appropriated
40 from interest earned on the unemployment compensation
41 reserve fund to the department of workforce development
42 for the fiscal year beginning July 1, 2013, and ending
43 June 30, 2014, the following amount or so much thereof
44 as is necessary, for the purposes designated:
45 For the operation of field offices:
46 \$ 494,000
47 Sec. 19. VIRTUAL ACCESS WORKFORCE DEVELOPMENT
48 OFFICES. The department of workforce development shall
49 require a unique identification login for all users
50 of workforce development centers operated through

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1 electronic means.

2 Sec. 20. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
3 section 96.9, subsection 4, paragraph "a", moneys
4 credited to the state by the secretary of the treasury
5 of the United States pursuant to section 903 of
6 the Social Security Act are appropriated to the
7 department of workforce development and shall be
8 used by the department for the administration of
9 the unemployment compensation program only. This
10 appropriation shall not apply to any fiscal year
11 beginning after December 31, 2013.

12 DIVISION II

13 FY 2014-2015

14 Sec. 21. DEPARTMENT OF CULTURAL AFFAIRS.

15 1. There is appropriated from the general fund of
16 the state to the department of cultural affairs for the
17 fiscal year beginning July 1, 2014, and ending June 30,
18 2015, the following amounts, or so much thereof as is
19 necessary, to be used for the purposes designated:

20 a. ADMINISTRATION

21 For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-time
23 equivalent positions for the department:

24 \$ 146,041
25 FTEs 74.50

26 The department of cultural affairs shall coordinate
27 activities with the tourism office of the economic
28 development authority to promote attendance at the
29 state historical building and at this state's historic
30 sites.

31 Full-time equivalent positions authorized under this
32 subsection shall be funded, in full or in part, using
33 moneys appropriated under this paragraph and paragraphs
34 "c" through "g".

35 b. COMMUNITY CULTURAL GRANTS

36 For planning and programming for the community
37 cultural grants program established under section
38 303.3:

39 \$ 146,277

40 c. HISTORICAL DIVISION

41 For the support of the historical division:

42 \$ 2,565,046

43 d. HISTORIC SITES

44 For the administration and support of historic
45 sites:

46 \$ 362,438

47 e. ARTS DIVISION

48 For the support of the arts division:

49 \$ 1,048,699

50 f. IOWA GREAT PLACES

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1 For the Iowa great places program established under
2 section 303.3C:
3 \$ 127,500
4 g. ARCHIVE IOWA GOVERNORS' RECORDS
5 For archiving the records of Iowa governors:
6 \$ 56,043
7 h. RECORDS CENTER RENT
8 For payment of rent for the state records center:
9 \$ 193,157
10 i. BATTLE FLAGS
11 For continuation of the project recommended by the
12 Iowa battle flag advisory committee to stabilize the
13 condition of the battle flag collection:
14 \$ 79,900
15 2. Notwithstanding section 8.33, moneys
16 appropriated in this section that remain unencumbered
17 or unobligated at the close of the fiscal year shall
18 not revert but shall remain available for expenditure
19 for the purposes designated until the close of the
20 succeeding fiscal year.
21 Sec. 22. GOALS AND ACCOUNTABILITY — ECONOMIC
22 DEVELOPMENT.
23 1. For the fiscal year beginning July 1, 2014, the
24 goals for the economic development authority shall be
25 to expand and stimulate the state economy, increase the
26 wealth of Iowans, and increase the population of the
27 state.
28 2. To achieve the goals in subsection 1, the
29 economic development authority shall do all of the
30 following for the fiscal year beginning July 1, 2014:
31 a. Concentrate its efforts on programs and
32 activities that result in commercially viable products
33 and services.
34 b. Adopt practices and services consistent with
35 free market, private sector philosophies.
36 c. Ensure economic growth and development
37 throughout the state.
38 d. Work with businesses and communities to
39 continually improve the economic development climate
40 along with the economic well-being and quality of life
41 for Iowans.
42 e. Coordinate with other state agencies to
43 ensure that they are attentive to the needs of an
44 entrepreneurial culture.
45 f. Establish a strong and aggressive marketing
46 image to showcase Iowa's workforce, existing industry,
47 and potential. A priority shall be placed on
48 recruiting new businesses, business expansion, and
49 retaining existing Iowa businesses. Emphasis shall be
50 placed on entrepreneurial development through helping

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1 entrepreneurs secure capital, and developing networks
2 and a business climate conducive to entrepreneurs and
3 small businesses.
4 g. Encourage the development of communities and
5 quality of life to foster economic growth.
6 h. Prepare communities for future growth and
7 development through development, expansion, and
8 modernization of infrastructure.
9 i. Develop public-private partnerships with
10 Iowa businesses in the tourism industry, Iowa tour
11 groups, Iowa tourism organizations, and political
12 subdivisions in this state to assist in the development
13 of advertising efforts.
14 j. Develop, to the fullest extent possible,
15 cooperative efforts for advertising with contributions
16 from other sources.
17 Sec. 23. ECONOMIC DEVELOPMENT AUTHORITY.
18 1. APPROPRIATION
19 a. There is appropriated from the general fund of
20 the state to the economic development authority for the
21 fiscal year beginning July 1, 2014, and ending June 30,
22 2015, the following amount, or so much thereof as is
23 necessary, to be used for the purposes designated in
24 this subsection, and for not more than the following
25 full-time equivalent positions:
26 \$ 11,240,760
27 FTEs 149.00
28 b. (1) For salaries, support, miscellaneous
29 purposes, programs, marketing, and the maintenance of
30 an administration division, a business development
31 division, a community development division, a small
32 business development division, and other divisions the
33 authority may organize.
34 (2) The full-time equivalent positions authorized
35 under this section shall be funded, in whole or in
36 part, by the moneys appropriated under this subsection
37 or by other moneys received by the authority, including
38 certain federal moneys.
39 (3) For business development operations and
40 programs, international trade, export assistance,
41 workforce recruitment, and the partner state program.
42 (4) For transfer to the strategic investment fund
43 created in section 15.313.
44 (5) For community economic development programs,
45 tourism operations, community assistance, plans
46 for Iowa green corps and summer youth programs,
47 the mainstreet and rural mainstreet programs, the
48 school-to-career program, the community development
49 block grant, and housing and shelter-related programs.
50 (6) For achieving the goals and accountability, and

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1 fulfilling the requirements and duties required under
2 this Act.
3 c. Notwithstanding section 8.33, moneys
4 appropriated in this subsection that remain
5 unencumbered or unobligated at the close of the fiscal
6 year shall not revert but shall remain available
7 for expenditure for the purposes designated in this
8 subsection until the close of the succeeding fiscal
9 year.
10 2. FINANCIAL ASSISTANCE RESTRICTIONS
11 a. A business creating jobs through moneys
12 appropriated in subsection 1 shall be subject to
13 contract provisions requiring new and retained jobs to
14 be filled by individuals who are citizens of the United
15 States who reside within the United States or any
16 person authorized to work in the United States pursuant
17 to federal law, including legal resident aliens in the
18 United States.
19 b. Any vendor who receives moneys appropriated in
20 subsection 1 shall adhere to such contract provisions
21 and provide periodic assurances as the state shall
22 require that the jobs are filled solely by citizens of
23 the United States who reside within the United States
24 or any person authorized to work in the United States
25 pursuant to federal law, including legal resident
26 aliens in the United States.
27 c. A business that receives financial assistance
28 from the authority from moneys appropriated in
29 subsection 1 shall only employ individuals legally
30 authorized to work in this state. In addition to all
31 other applicable penalties provided by current law, all
32 or a portion of the assistance received by a business
33 which is found to knowingly employ individuals not
34 legally authorized to work in this state is subject to
35 recapture by the authority.
36 3. USES OF APPROPRIATIONS
37 a. From the moneys appropriated in subsection 1,
38 the authority may provide financial assistance in the
39 form of a grant to a community economic development
40 entity for conducting a local workforce recruitment
41 effort designed to recruit former citizens of the state
42 and former students at colleges and universities in the
43 state to meet the needs of local employers.
44 b. From the moneys appropriated in subsection 1,
45 the authority may provide financial assistance to early
46 stage industry companies being established by women
47 entrepreneurs.
48 c. From the moneys appropriated in subsection 1,
49 the authority may provide financial assistance in the
50 form of grants, loans, or forgivable loans for advanced

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1 research and commercialization projects involving
2 value-added agriculture, advanced technology, or
3 biotechnology.
4 d. The authority shall not use any moneys
5 appropriated in subsection 1 for purposes of providing
6 financial assistance for the Iowa green streets pilot
7 project or for any other program or project that
8 involves the installation of geothermal systems for
9 melting snow and ice from streets or sidewalks.
10 4. WORLD FOOD PRIZE
11 There is appropriated from the general fund of the
12 state to the economic development authority for the
13 fiscal year beginning July 1, 2014, and ending June 30,
14 2015, the following amount for the world food prize
15 and in lieu of the standing appropriation in section
16 15.368, subsection 1:
17 \$ 637,500
18 5. IOWA COMMISSION ON VOLUNTEER SERVICE
19 There is appropriated from the general fund of the
20 state to the economic development authority for the
21 fiscal year beginning July 1, 2014, and ending June 30,
22 2015, the following amount for allocation to the Iowa
23 commission on volunteer service for purposes of the
24 Iowa state commission grant program, the Iowa's promise
25 and Iowa mentoring partnership programs, and for not
26 more than the following full-time equivalent positions:
27 \$ 151,413
28 FTEs 7.00
29 Of the moneys appropriated in this subsection,
30 the authority shall allocate \$63,750 for purposes of
31 the Iowa state commission grant program and \$87,663
32 for purposes of the Iowa's promise and Iowa mentoring
33 partnership programs.
34 Notwithstanding section 8.33, moneys appropriated in
35 this subsection that remain unencumbered or unobligated
36 at the close of the fiscal year shall not revert but
37 shall remain available for expenditure for the purposes
38 designated until the close of the succeeding fiscal
39 year.
40 6. EMPLOYEE STOCK OWNERSHIP PLANS FORMATION
41 ASSISTANCE
42 There is appropriated from the general fund of the
43 state to the economic development authority for the
44 fiscal year beginning July 1, 2014, and ending June 30,
45 2015, the following amount to be used for the providing
46 of financial assistance, including establishment of
47 a loan program, and technical assistance, marketing,
48 and education to businesses interested in establishing
49 employee stock ownership plans and for procuring the
50 services of an independent contractor with expertise in

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1 the formation of the employee stock ownership plans:
2 \$ 340,000
3 Notwithstanding section 8.33, moneys appropriated in
4 this subsection that remain unencumbered or unobligated
5 at the close of the fiscal year shall not revert but
6 shall remain available for expenditure for the purposes
7 designated until the close of the succeeding fiscal
8 year. Notwithstanding section 12C.7, subsection 2,
9 earnings or interest on moneys appropriated pursuant
10 to this subsection shall be retained by the economic
11 development authority and used for the purposes
12 designated until expended.
13 7. COUNCILS OF GOVERNMENTS — ASSISTANCE
14 There is appropriated from the general fund of the
15 state to the economic development authority for the
16 fiscal year beginning July 1, 2014, and ending June 30,
17 2015, the following amount to be used for the purposes
18 of providing financial assistance to Iowa's councils
19 of governments:
20 \$ 148,750
21 Sec. 24. VISION IOWA PROGRAM — FTE
22 AUTHORIZATION. For purposes of administrative
23 duties associated with the vision Iowa program for
24 the fiscal year beginning July 1, 2014, the economic
25 development authority is authorized an additional 2.25
26 FTEs above those otherwise authorized in this division
27 of this Act.
28 Sec. 25. INSURANCE ECONOMIC DEVELOPMENT. From
29 the moneys collected by the division of insurance in
30 excess of the anticipated gross revenues under section
31 505.7, subsection 3, during the fiscal year beginning
32 July 1, 2014, \$100,000 shall be transferred to the
33 economic development authority for insurance economic
34 development and international insurance economic
35 development.
36 Sec. 26. WORKFORCE DEVELOPMENT FUND. There is
37 appropriated from the workforce development fund
38 account created in section 15.342A to the workforce
39 development fund created in section 15.343 for the
40 fiscal year beginning July 1, 2014, and ending June
41 30, 2015, the following amount, for purposes of the
42 workforce development fund:
43 \$ 3,400,000
44 Sec. 27. IOWA STATE UNIVERSITY.
45 1. There is appropriated from the general fund
46 of the state to Iowa state university of science
47 and technology for the fiscal year beginning July
48 1, 2014, and ending June 30, 2015, the following
49 amount, or so much thereof as is necessary, to be used
50 for small business development centers, the science

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1 and technology research park, and the institute for
2 physical research and technology, and for not more than
3 the following full-time equivalent positions:
4 \$ 2,060,657
5 FTEs 56.63
6 2. Of the moneys appropriated in subsection 1,
7 Iowa state university of science and technology shall
8 allocate at least \$625,369 for purposes of funding
9 small business development centers. Iowa state
10 university of science and technology may allocate
11 moneys appropriated in subsection 1 to the various
12 small business development centers in any manner
13 necessary to achieve the purposes of this subsection.
14 3. Iowa state university of science and technology
15 shall do all of the following:
16 a. Direct expenditures for research toward projects
17 that will provide economic stimulus for Iowa.
18 b. Provide emphasis to providing services to
19 Iowa-based companies.
20 4. It is the intent of the general assembly
21 that the industrial incentive program focus on Iowa
22 industrial sectors and seek contributions and in-kind
23 donations from businesses, industrial foundations, and
24 trade associations, and that moneys for the institute
25 for physical research and technology industrial
26 incentive program shall be allocated only for projects
27 which are matched by private sector moneys for directed
28 contract research or for nondirected research. The
29 match required of small businesses as defined in
30 section 15.102, subsection 10, for directed contract
31 research or for nondirected research shall be \$1 for
32 each \$3 of state funds. The match required for other
33 businesses for directed contract research or for
34 nondirected research shall be \$1 for each \$1 of state
35 funds. The match required of industrial foundations
36 or trade associations shall be \$1 for each \$1 of state
37 funds.
38 Iowa state university of science and technology
39 shall report annually to the joint appropriations
40 subcommittee on economic development and the
41 legislative services agency the total amount of
42 private contributions, the proportion of contributions
43 from small businesses and other businesses, and
44 the proportion for directed contract research and
45 nondirected research of benefit to Iowa businesses and
46 industrial sectors.
47 5. Notwithstanding section 8.33, moneys
48 appropriated in this section that remain unencumbered
49 or unobligated at the close of the fiscal year shall
50 not revert but shall remain available for expenditure

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1 for the purposes designated until the close of the
2 succeeding fiscal year.

3 Sec. 28. UNIVERSITY OF IOWA.

4 1. There is appropriated from the general fund
5 of the state to the state university of Iowa for the
6 fiscal year beginning July 1, 2014, and ending June
7 30, 2015, the following amount, or so much thereof
8 as is necessary, to be used for the state university
9 of Iowa research park and for the advanced drug
10 development program at the Oakdale research park,
11 including salaries, support, maintenance, equipment,
12 miscellaneous purposes, and for not more than the
13 following full-time equivalent positions:

14 \$ 177,887
15 FTEs 6.00

16 2. The state university of Iowa shall do all of the
17 following:

18 a. Direct expenditures for research toward projects
19 that will provide economic stimulus for Iowa.

20 b. Provide emphasis to providing services to
21 Iowa-based companies.

22 3. Notwithstanding section 8.33, moneys
23 appropriated in this section that remain unencumbered
24 or unobligated at the close of the fiscal year shall
25 not revert but shall remain available for expenditure
26 for the purposes designated until the close of the
27 succeeding fiscal year.

28 Sec. 29. UNIVERSITY OF NORTHERN IOWA.

29 1. There is appropriated from the general fund of
30 the state to the university of northern Iowa for the
31 fiscal year beginning July 1, 2014, and ending June 30,
32 2015, the following amount, or so much thereof as is
33 necessary, to be used for the metal casting institute,
34 the MyEntreNet internet application, and the institute
35 of decision making, including salaries, support,
36 maintenance, miscellaneous purposes, and for not more
37 than the following full-time equivalent positions:

38 \$ 488,509
39 FTEs 6.75

40 2. Of the moneys appropriated pursuant to
41 subsection 1, the university of northern Iowa shall
42 allocate at least \$99,993 for purposes of support
43 of entrepreneurs through the university's regional
44 business center.

45 3. The university of northern Iowa shall do all of
46 the following:

47 a. Direct expenditures for research toward projects
48 that will provide economic stimulus for Iowa.

49 b. Provide emphasis to providing services to
50 Iowa-based companies.

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1 4. Notwithstanding section 8.33, moneys
2 appropriated in this section that remain unencumbered
3 or unobligated at the close of the fiscal year shall
4 not revert but shall remain available for expenditure
5 for the purposes designated until the close of the
6 succeeding fiscal year.
7 Sec. 30. REGENTS INNOVATION FUND.
8 1. There is appropriated from the general fund
9 of the state to the state board of regents for the
10 fiscal year beginning July 1, 2014, and ending June 30,
11 2015, the following amount to be used for the purposes
12 provided in this section:
13 \$ 2,550,000
14 Of the moneys appropriated pursuant to this
15 section, 35 percent shall be allocated for Iowa state
16 university, 35 percent shall be allocated for the
17 university of Iowa, and 30 percent shall be allocated
18 for the university of northern Iowa.
19 2. The institutions shall use moneys appropriated
20 in this section for capacity building infrastructure
21 in areas related to technology commercialization,
22 marketing and business development efforts in
23 areas related to technology commercialization,
24 entrepreneurship, and business growth, and
25 infrastructure projects and programs needed to assist
26 in implementation of activities under chapter 262B.
27 3. The institutions shall provide a one-to-one
28 match of additional moneys for the activities funded
29 with moneys appropriated under this section.
30 4. The state board of regents shall annually submit
31 a report by January 15 of each year to the governor,
32 the general assembly, and the legislative services
33 agency regarding the activities, projects, and programs
34 funded with moneys allocated under this section. The
35 report shall be provided in an electronic format and
36 shall include a list of metrics and criteria mutually
37 agreed to in advance by the board of regents and
38 the economic development authority. The metrics and
39 criteria shall allow the governor's office and the
40 general assembly to quantify and evaluate the progress
41 of the board of regents institutions with regard to
42 their activities, projects, and programs in the areas
43 of technology commercialization, entrepreneurship,
44 regional development, and market research.
45 5. Notwithstanding section 8.33, moneys
46 appropriated in this section that remain unencumbered
47 or unobligated at the close of the fiscal year shall
48 not revert but shall remain available for expenditure
49 for the purposes designated until the close of the
50 succeeding fiscal year.

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1 Sec. 31. BOARD OF REGENTS REPORT. The state board
2 of regents shall submit a report on the progress of
3 regents institutions in meeting the strategic plan for
4 technology transfer and economic development to the
5 secretary of the senate, the chief clerk of the house
6 of representatives, and the legislative services agency
7 by January 15, 2015.

8 Sec. 32. IOWA FINANCE AUTHORITY.

9 1. There is appropriated from the general fund
10 of the state to the Iowa finance authority for the
11 fiscal year beginning July 1, 2014, and ending June 30,
12 2015, the following amount, or so much thereof as is
13 necessary, to be used to provide reimbursement for rent
14 expenses to eligible persons under the rent subsidy
15 program:

16 \$ 559,300

17 2. Participation in the rent subsidy program
18 shall be limited to only those persons who meet the
19 requirements for the nursing facility level of care for
20 home and community-based services waiver services as in
21 effect on July 1, 2014, and to those individuals who
22 are eligible for the federal money follows the person
23 grant program under the medical assistance program. Of
24 the moneys appropriated in this section, not more than
25 \$35,000 may be used for administrative costs.

26 Sec. 33. IOWA FINANCE AUTHORITY AUDIT. The auditor
27 of state is requested to review the audit of the Iowa
28 finance authority performed by the auditor hired by the
29 authority.

30 Sec. 34. PUBLIC EMPLOYMENT RELATIONS BOARD.

31 1. There is appropriated from the general fund of
32 the state to the public employment relations board for
33 the fiscal year beginning July 1, 2014, and ending June
34 30, 2015, the following amount, or so much thereof as
35 is necessary, for the purposes designated:

36 For salaries, support, maintenance, miscellaneous
37 purposes, and for not more than the following full-time
38 equivalent positions:

39 \$ 1,140,637

40 FTEs 10.00

41 2. Of the moneys appropriated in this section,
42 the board shall allocate \$15,000 for maintaining a
43 website that allows searchable access to a database of
44 collective bargaining information.

45 Sec. 35. DEPARTMENT OF WORKFORCE

46 DEVELOPMENT. There is appropriated from the general
47 fund of the state to the department of workforce
48 development for the fiscal year beginning July 1, 2014,
49 and ending June 30, 2015, the following amounts, or
50 so much thereof as is necessary, for the purposes

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1 designated:
2 1. DIVISION OF LABOR SERVICES
3 a. For the division of labor services, including
4 salaries, support, maintenance, miscellaneous
5 purposes, and for not more than the following full-time
6 equivalent positions:
7 \$ 2,971,124
8 FTEs 64.00
9 b. From the contractor registration fees, the
10 division of labor services shall reimburse the
11 department of inspections and appeals for all costs
12 associated with hearings under chapter 91C, relating
13 to contractor registration.
14 2. DIVISION OF WORKERS' COMPENSATION
15 a. For the division of workers' compensation,
16 including salaries, support, maintenance, miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions:
19 \$ 2,642,687
20 FTEs 30.00
21 b. The division of workers' compensation shall
22 charge a \$100 filing fee for workers' compensation
23 cases. The filing fee shall be paid by the petitioner
24 of a claim. However, the fee can be taxed as a cost
25 and paid by the losing party, except in cases where
26 it would impose an undue hardship or be unjust under
27 the circumstances. The moneys generated by the filing
28 fee allowed under this subsection are appropriated to
29 the department of workforce development to be used for
30 purposes of administering the division of workers'
31 compensation.
32 3. WORKFORCE DEVELOPMENT OPERATIONS
33 a. For the operation of field offices, the
34 workforce development board, and for not more than the
35 following full-time equivalent positions:
36 \$ 7,802,501
37 FTEs 130.00
38 b. Of the moneys appropriated in paragraph "a" of
39 this subsection, the department shall allocate \$150,000
40 to the state library for the purpose of licensing an
41 online resource which prepares persons to succeed in
42 the workplace through programs which improve job skills
43 and vocational test-taking abilities.
44 4. OFFENDER REENTRY PROGRAM
45 a. For the development and administration of an
46 offender reentry program to provide offenders with
47 employment skills, and for not more than the following
48 full-time equivalent positions:
49 \$ 241,794
50 FTEs 4.00

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1 b. The department of workforce development shall
2 partner with the department of corrections to provide
3 staff within the correctional facilities to improve
4 offenders' abilities to find and retain productive
5 employment.
6 5. NONREVERSION
7 Notwithstanding section 8.33, moneys appropriated in
8 this section that remain unencumbered or unobligated
9 at the close of the fiscal year shall not revert but
10 shall remain available for expenditure for the purposes
11 designated until the close of the succeeding fiscal
12 year.
13 Sec. 36. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
14 PROGRAM. There is appropriated from the general fund
15 of the state to the department of workforce development
16 for the fiscal year beginning July 1, 2014, and
17 ending June 30, 2015, the following amount, or so much
18 thereof as is necessary, to be used for the purposes
19 designated:
20 For enhancing efforts to investigate employers that
21 misclassify workers and for not more than the following
22 full-time equivalent positions:
23 \$ 383,739
24 FTEs 8.10
25 Sec. 37. SPECIAL EMPLOYMENT SECURITY CONTINGENCY
26 FUND.
27 1. There is appropriated from the special
28 employment security contingency fund to the department
29 of workforce development for the fiscal year beginning
30 July 1, 2014, and ending June 30, 2015, the following
31 amount, or so much thereof as is necessary, to be used
32 for field offices:
33 \$ 1,501,171
34 2. Any remaining additional penalty and interest
35 revenue collected by the department of workforce
36 development is appropriated to the department for the
37 fiscal year beginning July 1, 2014, and ending June 30,
38 2015, to accomplish the mission of the department.
39 Sec. 38. UNEMPLOYMENT COMPENSATION RESERVE FUND
40 — FIELD OFFICES. Notwithstanding section 96.9,
41 subsection 8, paragraph "e", there is appropriated
42 from interest earned on the unemployment compensation
43 reserve fund to the department of workforce development
44 for the fiscal year beginning July 1, 2014, and ending
45 June 30, 2015, the following amount or so much thereof
46 as is necessary, for the purposes designated:
47 For the operation of field offices:
48 \$ 419,900
49 Sec. 39. VIRTUAL ACCESS WORKFORCE DEVELOPMENT
50 OFFICES. The department of workforce development shall

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1 require a unique identification login for all users
2 of workforce development centers operated through
3 electronic means.

4 Sec. 40. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
5 section 96.9, subsection 4, paragraph "a", moneys
6 credited to the state by the secretary of the treasury
7 of the United States pursuant to section 903 of
8 the Social Security Act are appropriated to the
9 department of workforce development and shall be
10 used by the department for the administration of
11 the unemployment compensation program only. This
12 appropriation shall not apply to any fiscal year
13 beginning after December 31, 2014.

14 DIVISION III
15 MISCELLANEOUS PROVISIONS

16 Sec. 41. Section 15.251, Code 2013, is amended to
17 read as follows:

18 15.251 Industrial new job training program
19 certificates — fee.

20 The authority may charge, within thirty days
21 following the sale of certificates under chapter 260E,
22 the board of directors of the merged area a fee of
23 up to one percent of the gross sale amount of the
24 certificates issued. The amount of this fee shall be
25 deposited and allowed to accumulate in a job training
26 fund created in the authority. ~~At the end of each~~
27 ~~fiscal year, all funds deposited under this subsection~~
28 ~~into the job training fund during the fiscal year~~
29 ~~shall be transferred to the workforce development fund~~
30 ~~account established in section 15.342A~~ Moneys in the
31 fund are appropriated to the authority for purposes
32 of workforce development program coordination and
33 activities including salaries, support, maintenance,
34 legal and compliance, and miscellaneous purposes.

35 Sec. 42. Section 90A.7, Code 2013, is amended to
36 read as follows:

37 90A.7 Rules.

38 1. The commissioner shall adopt rules, pursuant
39 to chapter 17A, that the commissioner determines are
40 reasonably necessary to administer and enforce this
41 chapter.

42 2. The commissioner shall adopt rules establishing
43 an event fee to cover the costs of the administration
44 of this chapter.

45 3. The commissioner may adopt the rules of a
46 recognized national or world boxing organization that
47 sanctions a boxing match in this state to regulate the
48 match if the organization's rules provide protection to
49 the boxers participating in the match which is equal
50 to or greater than the protections provided by this

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1 chapter or by rules adopted pursuant to this chapter.
2 As used in this paragraph, "*recognized national or world*
3 *boxing organization*" includes, but is not limited to,
4 the international boxing federation, the world boxing
5 association, and the world boxing council.
6 Sec. 43. Section 90A.10, subsection 1, Code 2013,
7 is amended to read as follows:
8 1. Moneys collected pursuant to ~~sections 90A.3 and~~
9 ~~section 90A.9 in excess of the amount of moneys needed~~
10 ~~to administer this chapter~~ from a professional boxing
11 event are appropriated to the department of workforce
12 development and shall be used by the commissioner to
13 award grants to organizations that promote amateur
14 boxing matches in this state. All other moneys
15 collected by the commissioner pursuant to this chapter
16 are appropriated to the department of workforce
17 development and shall be used by the commissioner to
18 administer this chapter. Section 8.33 applies only to
19 moneys in excess of the first twenty thousand dollars
20 appropriated each fiscal year.
21 Sec. 44. 2005 Iowa Acts, chapter 169, section 5,
22 subsection 6, is amended to read as follows:
23 6. GREAT PLACES
24 a. For salaries, support, maintenance, and
25 miscellaneous purposes:
26 \$ 200,000
27 b. Notwithstanding section 8.33, moneys
28 appropriated in this subsection that remain
29 unencumbered or unobligated at the close of the fiscal
30 year shall not revert but shall remain available
31 for expenditure for the purposes designated in this
32 subsection for succeeding fiscal years.
33 Sec. 45. 2006 Iowa Acts, chapter 1180, section 5,
34 subsection 6, as amended by 2007 Iowa Acts, chapter
35 215, section 45, is amended to read as follows:
36 6. GREAT PLACES
37 For salaries, support, maintenance, miscellaneous
38 purposes, and for not more than the following full-time
39 equivalent positions:
40 \$ 300,000
41 FTEs 1.70
42 Notwithstanding section 8.33, moneys appropriated in
43 this subsection that remain unencumbered or unobligated
44 at the close of the fiscal year shall not revert but
45 shall remain available for expenditure for the purposes
46 designated ~~until the close of the~~ for succeeding fiscal
47 year years.
48 Sec. 46. 2007 Iowa Acts, chapter 212, section 1,
49 subsection 6, as amended by 2007 Iowa Acts, chapter
50 215, section 46, is amended to read as follows:

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1 6. GREAT PLACES
2 For salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-time
4 equivalent positions:
5 \$ 305,794
6 FTEs 3.00
7 Notwithstanding section 8.33, moneys appropriated in
8 this subsection that remain unencumbered or unobligated
9 at the close of the fiscal year shall not revert but
10 shall remain available for expenditure for the purposes
11 designated ~~until the close of the~~ for succeeding fiscal
12 ~~year years.~~
13 Sec. 47. 2008 Iowa Acts, chapter 1190, section 1,
14 subsection 6, is amended to read as follows:
15 6. GREAT PLACES
16 a. For salaries, support, maintenance,
17 miscellaneous purposes, and for not more than the
18 following full-time equivalent positions:
19 \$ 322,231
20 FTEs 3.00
21 b. Notwithstanding section 8.33, moneys
22 appropriated in this subsection that remain
23 unencumbered or unobligated at the close of the fiscal
24 year shall not revert but shall remain available
25 for expenditure for the purposes designated in this
26 subsection for succeeding fiscal years.
27 Sec. 48. 2009 Iowa Acts, chapter 176, section 1,
28 subsection 6, is amended to read as follows:
29 6. GREAT PLACES
30 a. For the great places program:
31 \$ 248,060
32 b. Notwithstanding section 8.33, moneys
33 appropriated in this subsection that remain
34 unencumbered or unobligated at the close of the fiscal
35 year shall not revert but shall remain available
36 for expenditure for the purposes designated in this
37 subsection for succeeding fiscal years.
38 Sec. 49. 2010 Iowa Acts, chapter 1188, section 1,
39 subsection 6, is amended to read as follows:
40 6. GREAT PLACES
41 a. For the great places program:
42 \$ 214,869
43 b. Notwithstanding section 8.33, moneys
44 appropriated in this subsection that remain
45 unencumbered or unobligated at the close of the fiscal
46 year shall not revert but shall remain available
47 for expenditure for the purposes designated in this
48 subsection for succeeding fiscal years.
49 Sec. 50. 2011 Iowa Acts, chapter 130, section 1,
50 subsection 6, is amended to read as follows:

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1 6. IOWA GREAT PLACES
2 a. For the Iowa great places program established
3 under section 303.3C:
4 \$ 150,000
5 b. Notwithstanding section 8.33, moneys
6 appropriated in this subsection that remain
7 unencumbered or unobligated at the close of the fiscal
8 year shall not revert but shall remain available
9 for expenditure for the purposes designated in this
10 subsection for succeeding fiscal years.
11 Sec. 51. 2011 Iowa Acts, chapter 130, section 48,
12 as amended by 2012 Iowa Acts, chapter 1136, section 1,
13 is amended by adding the following new subsection:
14 NEW SUBSECTION. 10. Notwithstanding section
15 8.33, moneys appropriated in this section that remain
16 unencumbered or unobligated at the close of the fiscal
17 year shall not revert but shall remain available for
18 expenditure for the purposes designated in this section
19 for succeeding fiscal years.
20 Sec. 52. 2011 Iowa Acts, chapter 130, section 67,
21 subsection 2, is amended to read as follows:
22 2. Participation in the rent subsidy program
23 shall be limited to only those persons who meet the
24 requirements for the nursing facility level of care for
25 home and community-based services waiver services as in
26 effect on July 1, ~~2011~~ 2012, and to those individuals
27 who are eligible for the federal money follows the
28 person grant program under the medical assistance
29 program. Of the moneys appropriated in this section,
30 not more than \$35,000 may be used for administrative
31 costs.
32 Sec. 53. 2012 Iowa Acts, chapter 1136, section 17,
33 is amended by adding the following new subsection:
34 NEW SUBSECTION. 5. Notwithstanding section
35 8.33, moneys appropriated in this section that remain
36 unencumbered or unobligated at the close of the fiscal
37 year shall not revert but shall remain available for
38 expenditure for the purposes designated until the close
39 of the succeeding fiscal year.
40 Sec. 54. EFFECTIVE UPON ENACTMENT. The sections
41 of this division of this Act amending 2011 Iowa Acts,
42 chapter 130, section 48, and 2012 Iowa Acts, chapter
43 1136, section 17, being deemed of immediate importance,
44 take effect upon enactment.
45 Sec. 55. RETROACTIVE APPLICABILITY. The section of
46 this Act amending 2005 Iowa Acts, chapter 169, applies
47 retroactively to July 1, 2005.
48 Sec. 56. RETROACTIVE APPLICABILITY. The section of
49 this Act amending 2006 Iowa Acts, chapter 1180, applies
50 retroactively to May 29, 2007.

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1 Sec. 57. RETROACTIVE APPLICABILITY. The section of
2 this Act amending 2007 Iowa Acts, chapter 212, applies
3 retroactively to July 1, 2007.
4 Sec. 58. RETROACTIVE APPLICABILITY. The section of
5 this Act amending 2008 Iowa Acts, chapter 1190, applies
6 retroactively to July 1, 2008.
7 Sec. 59. RETROACTIVE APPLICABILITY. The section of
8 this Act amending 2009 Iowa Acts, chapter 176, applies
9 retroactively to July 1, 2009.
10 Sec. 60. RETROACTIVE APPLICABILITY. The section of
11 this Act amending 2010 Iowa Acts, chapter 1188, applies
12 retroactively to July 1, 2010.
13 Sec. 61. RETROACTIVE APPLICABILITY. The sections
14 of this Act amending 2011 Iowa Acts, chapter 130,
15 sections 1 and 67, apply retroactively to July 1, 2011.
16 Sec. 62. RETROACTIVE APPLICABILITY. The sections
17 of this Act amending 2012 Iowa Acts, chapter 1136,
18 section 17, and 2011 Iowa Acts, chapter 130, section
19 48, apply retroactively to July 1, 2012.>

COMMITTEE ON APPROPRIATIONS
SODERBERG of Plymouth, Chairperson



Iowa General Assembly
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Senate Amendment to
House File 211

H-1274

1 Amend House File 211, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, lines 22 and 23, by striking
4 <Notwithstanding any contractual provision to the
5 contrary, the> and inserting <The>

HF211.1546.S (1) 85

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Senate File 406

H-1275

- 1 Amend Senate File 406, as passed by the Senate, as
- 2 follows:
- 3 1. Page 21, line 10, after <physician> by inserting
- 4 <, physician assistant, or psychiatric advanced
- 5 registered nurse practitioner>
- 6 2. By renumbering as necessary.

HALL of Woodbury



Iowa General Assembly
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Senate Amendment to
House File 545

H-1276

1 Amend House File 545, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 11, after <organization.> by
4 inserting <A veteran seeking moneys for expenses
5 pursuant to this paragraph "m" shall not be subject to
6 an income limit.>

HF545.1537.S (1) 85

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Senate Amendment to
House File 538

H-1277

1 Amend House File 538, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking line 3 and inserting:
4 <1. The>
5 2. Page 1, line 6, after <hearings.> by inserting
6 <The pool of alternate members shall be deemed a
7 separate appointive board for purposes of complying
8 with the requirements of sections 69.16 and 69.16A.>
9 3. Page 1, line 18, by striking <sections 17A.11
10 and> and inserting <section>

HF538.1538.S (1) 85

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Senate Amendment to
House File 533

H-1278

1 Amend House File 533, as passed by the House, as
2 follows:
3 1. Page 3, after line 17 by inserting:
4 <4. *Fund closure.* A school corporation shall close
5 an entrepreneurial education fund at the request of
6 the student organization or club for which the school
7 corporation established the fund. All moneys in the
8 fund on the date of closure and any subsequent return
9 on an investment made with moneys from the fund shall
10 be deposited in the school corporation's student
11 activity fund established under section 298A.8.>
12 2. Page 3, line 18, by striking <4.> and inserting
13 <5.>
14 3. Page 3, line 21, by striking <venture.> and
15 inserting <venture, or rendering other labor or
16 services in return for compensation. "*Entrepreneurial*
17 *activities*" does not include charitable contributions
18 or other donations or gifts received by the student
19 organization or club for which no labor or services are
20 rendered.>

HF533.1541.S (1) 85

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Senate Amendment to
House File 500

H-1279

- 1 Amend House File 500, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 3, by striking <Regular audits
- 4 every three years> and inserting <~~Regular audits~~ A
- 5 required annual audit>
- 6 2. Page 1, line 16, after <member> by inserting
- 7 <who is an elected official>

HF500.1542.S (1) 85

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Senate Amendment to
House File 356

H-1280

- 1 Amend House File 356, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 2, by striking <ten> and inserting
- 4 <five>
- 5 2. Page 2, line 7, after <issued.> by inserting
- 6 <However, in the event that the judgment or the right
- 7 to collect thereon is sold by the judgment creditor
- 8 or otherwise assigned to a third party for value,
- 9 such judgment shall be null and void, all liens shall
- 10 be extinguished, and no execution shall be issued
- 11 after the expiration of two years from the date of
- 12 entry of the judgment, exclusive of any time during
- 13 which execution on the judgment was stayed pending a
- 14 bankruptcy action or order of court.>
- 15 3. By renumbering as necessary.

HF356.1530.S (1) 85

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Senate Amendment to
House File 357

H-1281

1 Amend House File 357, as passed by the House, as
2 follows:

3 1. Page 1, lines 12 and 13, by striking <or
4 ~~district of the court to which they are nominated~~> and
5 inserting <or judicial district of the court to which
6 they are nominated>

7 2. Page 2, after line 7 by inserting:

8 <Sec. _____. Section 602.6201, subsection 2, Code
9 2013, is amended to read as follows:

10 2. A Upon assuming office, a district judge
11 must be a resident of the judicial district, or
12 judicial election district, if applicable, in which
13 appointed and retained. Subject to the provision
14 for reassignment of judges under section 602.6108,
15 a district judge shall serve in the district of the
16 judge's residence while in office, regardless of the
17 number of judgeships to which the district is entitled
18 under the formula prescribed by the supreme court in
19 subsection 3.>

20 3. By renumbering as necessary.

HF357.1529.S (1) 85

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Senate Amendment to
House File 454

H-1282

- 1 Amend House File 454, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, line 9, by striking <financial
- 4 literacy,>

HF454.1544.S (1) 85

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Senate Amendment to
House File 602

H-1283

- 1 Amend House File 602, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 and 2.
- 4 2. By striking page 4, line 35, through page 8,
- 5 line 30.
- 6 3. By renumbering as necessary.

HF602.1381.S (2) 85

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Iowa General Assembly
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House File 630 - Introduced

HOUSE FILE 630
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 180)

A BILL FOR

1 An Act providing a sales tax exemption for hydroelectricity
2 conversion property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2270HV (1) 85
rn/sc



Iowa General Assembly
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H.F. 630

1 Section 1. Section 423.3, subsection 54, Code 2013, is
2 amended to read as follows:

3 54. a. The sales price from the sale of wind energy
4 conversion property or hydroelectricity conversion property
5 to be used as an electric power source and the sale of the
6 materials used to manufacture, install, or construct wind
7 energy conversion property or hydroelectricity conversion
8 property used or to be used as an electric power source.

9 b. For purposes of this subsection, ~~"wind:~~

10 (1) "Wind energy conversion property" means any device,
11 including but not limited to a wind charger, windmill,
12 wind turbine, tower and electrical equipment, pad mount
13 transformers, power lines, and substation, which converts wind
14 energy to a form of usable energy.

15 (2) "Hydroelectricity conversion property" means any device,
16 including but not limited to a generator, turbine, powerhouse,
17 intake, coffer dam, walls, water conduit, tailrace, any other
18 concrete components, electrical equipment substation, poles,
19 wires, transformers, breakers, and switches used to convert
20 water, water power, or hydroelectricity to a form of usable
21 energy.

22 EXPLANATION

23 This bill exempts hydroelectricity conversion property from
24 sales tax.

25 Currently, Code section 423.3, subsection 54, provides
26 a sales tax exemption for the sales price of wind energy
27 conversion property to be used as an electric power source and
28 the sale of the materials used to manufacture, install, or
29 construct wind energy conversion property used or to be used
30 as an electric power source. The bill makes this provision
31 equally applicable to hydroelectricity conversion property, as
32 defined in the bill.

33 By operation of Code section 423.6, an item exempt from the
34 imposition of the sales tax is also exempt from the use tax
35 imposed in Code section 423.5.

LSB 2270HV (1) 85

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House File 631 - Introduced

HOUSE FILE 631
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 543)
(SUCCESSOR TO HSB 76)

A BILL FOR

1 An Act modifying provisions applicable to the propane education
2 and research council.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1907HZ (1) 85
rn/nh



Iowa General Assembly
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H.F. 631

1 Section 1. Section 101C.3, subsection 3, paragraph a, Code
2 2013, is amended to read as follows:

3 a. A professional fire fighter designated by the Iowa
4 ~~association of professional fire chiefs~~ fire fighters
5 association.

6 Sec. 2. Section 101C.3, subsection 5, Code 2013, is amended
7 to read as follows:

8 5. A council member shall serve a term of three years
9 ~~and shall not serve more than two full consecutive terms. A~~
10 ~~council member filling an unexpired term may serve not more~~
11 ~~than a total of seven consecutive years. A former council~~
12 ~~member may be appointed to the council if the former member has~~
13 ~~not been a member of the council for a period of at least two~~
14 ~~years.~~

15 Sec. 3. Section 101C.4, subsection 1, Code 2013, is amended
16 to read as follows:

17 1. The council and its activities shall be funded by an
18 annual assessment. Upon establishment of the council ~~and each~~
19 ~~year thereafter~~ the annual assessment shall be made at a rate
20 of one-tenth of one cent on each gallon of odorized propane
21 sold. Thereafter, annual assessments shall be sufficient to
22 cover the costs of the plans and programs developed by the
23 council and upon a majority vote by the council, the council
24 may increase or decrease the annual assessment as necessary,
25 but in no event shall the annual assessment exceed two-tenths
26 of one cent on each gallon of odorized propane sold.

27 Sec. 4. REPEAL. Section 101C.14, Code 2013, is repealed.

28 EXPLANATION

29 This bill modifies provisions applicable to the propane
30 education and research council established in Code chapter
31 101C.

32 The bill changes the designation of one of the ex officio,
33 nonvoting members of the council from a professional fire
34 fighter designated by the Iowa association of professional fire
35 chiefs to a professional fire fighter designated by the Iowa

LSB 1907HZ (1) 85

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rn/nh

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H.F. 631

1 professional fire fighters association.
2 The bill also eliminates provisions specifying term limits
3 and reappointment requirements.
4 The bill additionally modifies provisions relating to the
5 annual assessment which funds the council and its activities.
6 Currently, Code section 101C.4, subsection 1, provides that
7 upon establishment of the council and each year thereafter the
8 annual assessment shall be made at a rate of one-tenth of one
9 cent on each gallon of odorized propane sold. The bill deletes
10 the reference to "and each year thereafter", and provides that
11 after establishment of the council and the initial rate of
12 one-tenth of one cent, annual assessments shall thereafter be
13 in an amount sufficient to cover the costs of the plans and
14 programs developed by the council, and that upon a majority
15 vote by the council, the council may increase or decrease the
16 annual assessment as necessary, but not to exceed two-tenths of
17 one cent on each gallon of odorized propane sold.
18 Additionally, the bill repeals a provision which repealed
19 the Code chapter effective December 31, 2014.



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House Study Bill 233 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act relating to the corporate income tax by creating an
2 alternative base income tax and an alternative unrelated
3 business income tax imposed at the election of the taxpayer
4 and including effective date and retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2489YC (2) 85
mm/sc



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1 Section 1. Section 422.21, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. Returns shall be in the form the director prescribes,
4 and shall be filed with the department on or before the last
5 day of the fourth month after the expiration of the tax year.
6 However, cooperative associations as defined in section 6072(d)
7 of the Internal Revenue Code shall file their returns on or
8 before the fifteenth day of the ninth month following the close
9 of the taxable year and nonprofit corporations subject to
10 the unrelated business income tax imposed by section 422.33,
11 subsection 1A, or section 422.33A, subsection 3A, shall file
12 their returns on or before the fifteenth day of the fifth
13 month following the close of the taxable year. If, under the
14 Internal Revenue Code, a corporation is required to file a
15 return covering a tax period of less than twelve months, the
16 state return shall be for the same period and is due forty-five
17 days after the due date of the federal tax return, excluding
18 any extension of time to file. In case of sickness, absence,
19 or other disability, or if good cause exists, the director may
20 allow further time for filing returns. The director shall
21 cause to be prepared blank forms for the returns and shall
22 cause them to be distributed throughout the state and to be
23 furnished upon application, but failure to receive or secure
24 the form does not relieve the taxpayer from the obligation of
25 making a return that is required. The department may as far as
26 consistent with the Code draft income tax forms to conform to
27 the income tax forms of the internal revenue department of the
28 United States government. Each return by a taxpayer upon whom
29 a tax is imposed by section 422.5 shall show the county of the
30 residence of the taxpayer.
31 **Sec. 2. NEW SECTION. 422.33A Corporate tax imposed —**
32 **alternative base income tax.**
33 1. For purposes of this section:
34 a. "*Base income*" means the taxable income before the net
35 operating loss deduction, as properly computed for federal



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1 income tax purposes under the Internal Revenue Code, less
2 interest and dividends from federal securities.

3 **b.** The word "*manufacture*" shall include the extraction and
4 recovery of natural resources and all processes of fabricating
5 and curing.

6 **c.** The word "*sale*" shall include exchange.

7 **d.** "*Tangible personal property*" means corporeal personal
8 property, such as machinery, tools, implements, goods, wares,
9 and merchandise. "*Tangible personal property*" does not mean
10 money deposits in banks, shares of stock, bonds, notes,
11 credits, or evidence of an interest in property and evidences
12 of debt.

13 2. Notwithstanding any other provision of law, a
14 corporation may, in lieu of the taxes imposed under section
15 422.33, elect to be subject to state income tax as imposed and
16 computed pursuant to subsections 3 and 4. Such election must
17 be made not later than the due date for filing the return for
18 a taxable year, including extensions thereof, and under rules
19 to be prescribed by the director. An election by a member of
20 an affiliated group filing a consolidated return pursuant to
21 section 422.37 shall not be effective unless such election is
22 made by all members of the affiliated group.

23 3. A tax is imposed annually upon each corporation doing
24 business in this state, or deriving income from sources within
25 this state, and making an election under subsection 2, which
26 tax shall be levied, collected, and paid annually in an amount
27 equal to the base income of the corporation times six percent.

28 4. There is imposed upon each corporation exempt from
29 the general business tax on corporations by section 422.34,
30 subsection 2, and making an election under subsection 2 of this
31 section, a tax in an amount equal to the state's apportioned
32 share computed in accordance with subsections 5 and 6 of the
33 unrelated business income computed in accordance with the
34 Internal Revenue Code, less interest and dividends from federal
35 securities, times six percent.



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1 5. If the trade or business of the corporation is carried
2 on entirely within the state, the tax shall be imposed on the
3 entire base income, but if the trade or business is carried
4 on partly within and partly without the state or if income
5 is derived from sources partly within and partly without the
6 state, or if income is derived from trade or business and
7 sources, all of which are not entirely in the state, the
8 tax shall be imposed only on the portion of the base income
9 reasonably attributable to the trade or business or sources
10 within the state, with the base income attributable to the
11 state to be determined as follows:

12 a. Nonbusiness interest, dividends, rents and royalties,
13 less related expenses, shall be allocated within and without
14 the state in the following manner:

15 (1) Nonbusiness interest, dividends, and royalties from
16 patents and copyrights shall be allocable to this state if the
17 taxpayer's commercial domicile is in this state.

18 (2) Nonbusiness rents and royalties received from real
19 property located in this state are allocable to this state.

20 (3) Nonbusiness rents and royalties received from tangible
21 personal property are allocable to this state to the extent
22 that the property is utilized in this state; or in their
23 entirety if the taxpayer's commercial domicile is in this state
24 and the taxpayer is not taxable in the state in which the
25 property is utilized. The extent of utilization of tangible
26 personal property in a state is determined by multiplying the
27 rents and royalties by a fraction, the numerator of which is
28 the number of days of physical location of the property in the
29 state during the rental or royalty period in the taxable year
30 and the denominator of which is the number of days of physical
31 location of the property everywhere during all rental or
32 royalty periods in the taxable year. If the physical location
33 of the property during the rental or royalty period is unknown
34 or unascertainable by the taxpayer, tangible personal property
35 is utilized in the state in which the property was located at



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1 the time the rental or royalty payor obtained possession.

2 (4) Nonbusiness capital gains and losses from the sale or
3 other disposition of assets shall be allocated as follows:

4 (a) Gains and losses from the sale or other disposition
5 of real property located in this state are allocable to this
6 state.

7 (b) Gains and losses from the sale or other disposition of
8 tangible personal property are allocable to this state if the
9 property had a situs in this state at the time of the sale or
10 disposition or if the taxpayer's commercial domicile is in this
11 state and the taxpayer is not taxable in the state in which the
12 property had a situs.

13 (c) Gains and losses from the sale or disposition of
14 intangible personal property are allocable to this state if the
15 taxpayer's commercial domicile is in this state.

16 b. Base nonbusiness income of the above class having
17 been separately allocated and deducted as above provided,
18 the remaining base business income of the taxpayer shall be
19 allocated and apportioned as follows:

20 (1) Business interest, dividends, rents, and royalties
21 shall be reasonably apportioned within and without the state
22 under rules adopted by the director.

23 (2) Capital gains and losses from the sale or other
24 disposition of assets shall be apportioned to the state based
25 upon the business activity ratio applicable to the year the
26 gain or loss is determined if the corporation determines Iowa
27 taxable income by a sales, gross receipts, or other business
28 activity ratio. If the corporation has only allocable income,
29 capital gains and losses from the sale or other disposition of
30 assets shall be allocated in accordance with paragraph "a",
31 subparagraph (4).

32 (3) Where income is derived from business other than the
33 manufacture or sale of tangible personal property, the income
34 shall be specifically allocated or equitably apportioned within
35 and without the state under rules of the director.



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1 (4) Where income is derived from the manufacture or sale of
2 tangible personal property, the part attributable to business
3 within the state shall be in that proportion which the gross
4 sales made within the state bear to the total gross sales.

5 (5) Where income consists of more than one class of income
6 as provided in subparagraphs (1) to (4) of this paragraph, it
7 shall be reasonably apportioned by the business activity ratio
8 provided in rules adopted by the director.

9 (6) The gross sales of the corporation within the state
10 shall be taken to be the gross sales from goods delivered
11 or shipped to a purchaser within the state regardless of
12 the F.O.B. point or other conditions of the sale, excluding
13 deliveries for transportation out of the state.

14 6. If any taxpayer believes that the method of allocation
15 and apportionment hereinbefore prescribed, as administered
16 by the director and applied to the taxpayer's business, has
17 operated or will so operate as to subject the taxpayer to
18 taxation on a greater portion of the taxpayer's base income
19 than is reasonably attributable to business or sources within
20 the state, the taxpayer shall be entitled to file with the
21 director a statement of the taxpayer's objections and of such
22 alternative method of allocation and apportionment as the
23 taxpayer believes to be proper under the circumstances with
24 such detail and proof and within such time as the director
25 may reasonably prescribe; and if the director shall conclude
26 that the method of allocation and apportionment theretofore
27 employed is in fact inapplicable and inequitable, the director
28 shall redetermine the taxable income by such other method of
29 allocation and apportionment as seems best calculated to assign
30 to the state for taxation the portion of the income reasonably
31 attributable to business and sources within the state, not
32 exceeding, however, the amount which would be arrived at by
33 application of the statutory rules for apportionment.

34 7. Notwithstanding any other provision of law, a
35 corporation making an election under subsection 2 shall not



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1 be allowed any nonrefundable or refundable credit otherwise
2 allowable under this division for the tax year for which the
3 election is made, except for the credit for estimated tax paid
4 under section 422.91.

5 Sec. 3. Section 422.34A, subsection 8, Code 2013, is amended
6 to read as follows:

7 8. Utilizing a distribution facility within this state,
8 owning or leasing property at a distribution facility within
9 this state that is used at or distributed from the distribution
10 facility, or selling property shipped or distributed from
11 a distribution facility. For purposes of this subsection,
12 "*distribution facility*" means an establishment where shipments
13 of tangible personal property are processed for delivery
14 to customers. "*Distribution facility*" does not include an
15 establishment where retail sales of tangible personal property
16 or returns of such property are undertaken with respect to
17 retail customers on more than twelve days a year except for a
18 distribution facility which processes customer sales orders
19 by mail, telephone, or electronic means, if the distribution
20 facility also processes shipments of tangible personal property
21 to customers provided that not more than ten percent of the
22 dollar amount of goods are delivered and shipped so as to be
23 included in the gross sales of the corporation within this
24 state as provided in section 422.33, subsection 2, paragraph
25 "*b*", subparagraph (6), or section 422.33A, subsection 5,
26 paragraph "*b*", subparagraph (6), if applicable.

27 Sec. 4. Section 422.36, subsection 6, Code 2013, is amended
28 to read as follows:

29 6. A foreign corporation is not required to file a return
30 if its only activities in Iowa are the storage of goods for a
31 period of sixty consecutive days or less in a warehouse for
32 hire located in this state whereby the foreign corporation
33 transports or causes a carrier to transport such goods to that
34 warehouse and provided that none of the goods are delivered
35 or shipped so as to be included in the gross sales of the



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1 corporation within this state as provided in section 422.33,
2 subsection 2, paragraph "b", subparagraph (6), or section
3 422.33A, subsection 5, paragraph "b", subparagraph (6), if
4 applicable.

5 Sec. 5. Section 422.37, subsection 2, Code 2013, is amended
6 to read as follows:

7 2. All members of the affiliated group shall join in the
8 filing of an Iowa consolidated return to the extent they are
9 subject to the tax imposed by section 422.33 or 422.33A.

10 Sec. 6. Section 422.85, Code 2013, is amended to read as
11 follows:

12 **422.85 Imposition of estimated tax.**

13 A taxpayer subject to the tax imposed by sections 422.33,
14 422.33A, and 422.60 shall make payments of estimated tax for
15 the taxable year if the amount of tax payable, less credits,
16 can reasonably be expected to be more than one thousand dollars
17 for the taxable year. For purposes of this division, "estimated
18 tax" means the amount which the taxpayer estimates to be the tax
19 due and payable under division III or V of this chapter for the
20 taxable year.

21 Sec. 7. Section 441.21, subsection 11, Code 2013, is amended
22 to read as follows:

23 11. Beginning with valuations established on or after
24 January 1, 1995, as used in this section, "residential
25 property" includes all land and buildings of multiple housing
26 cooperatives organized under chapter 499A and includes land
27 and buildings used primarily for human habitation which land
28 and buildings are owned and operated by organizations that
29 have received tax-exempt status under section 501(c)(3) of the
30 Internal Revenue Code and rental income from the property is
31 not taxed as unrelated business income under section 422.33,
32 subsection 1A, or section 422.33A, subsection 4.

33 Sec. 8. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
34 immediate importance, takes effect upon enactment.

35 Sec. 9. RETROACTIVE APPLICABILITY. This Act applies



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1 retroactively to January 1, 2013, for tax years beginning on
2 or after that date.

3 EXPLANATION

4 This bill relates to the corporate income tax by creating
5 an alternative base income tax and an alternative unrelated
6 business income tax imposed at the election of the taxpayer.
7 In lieu of the regular corporate income tax and unrelated
8 business income tax computed and imposed under Code section
9 422.33, a corporation may elect to be subject to an alternative
10 base income tax and an alternative unrelated business income
11 tax as provided in the bill. An election must be made not
12 later than the due date for filing the return for a taxable
13 year, including extensions, and under rules prescribed by the
14 director. If the corporation is a member of an affiliated
15 group filing a consolidated return, the election must be
16 made by every member of the affiliated group in order to be
17 effective.

18 The base income tax of a corporation making an election
19 shall be an amount of tax equal to the corporation's base
20 income times six percent. "Base income" is defined as the
21 corporation's taxable income before the net operating loss
22 deduction as properly computed for federal income tax purposes,
23 less interest and dividends from federal securities.

24 The unrelated business income tax of an exempt corporation
25 subject to the tax on unrelated business income and making
26 an election shall be an amount equal to the corporation's
27 unrelated business income computed in accordance with the
28 Internal Revenue Code, less interest and dividends from federal
29 securities, times six percent.

30 Under the bill, both base income and unrelated business
31 income are allocated and apportioned to Iowa in the same manner
32 as net income and unrelated business income under the regular
33 corporate income tax in Code section 422.33.

34 A corporation making an election is not allowed any
35 nonrefundable or refundable tax credit for the tax year for



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1 which the election is made, except the credit for estimated tax
2 paid under Code section 422.91.

3 The bill makes conforming amendments to include references
4 to new Code section 422.33A in those Code sections that
5 reference the tax imposed under Code section 422.33.

6 The bill takes effect upon enactment and applies
7 retroactively to January 1, 2013, for tax years beginning on
8 or after that date.



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House Study Bill 234 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act authorizing the establishment of reinvestment districts
2 following approval of the economic development authority
3 board, providing for the remittance of certain state sales
4 tax revenues and certain state hotel and motel tax revenues
5 to municipalities, establishing a state reinvestment
6 district fund, and making appropriations.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2518YC (7) 85
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1 Section 1. NEW SECTION. 15J.1 Short title.
2 This chapter shall be known and may be cited as the "*Iowa*
3 *Reinvestment Act*".
4 Sec. 2. NEW SECTION. 15J.2 Definitions.
5 As used in this chapter, unless the context otherwise
6 requires:
7 1. "*Board*" means the same as defined in section 15.102.
8 2. "*Department*" means the department of revenue.
9 3. "*District*" means the area within a municipality that is
10 designated a reinvestment district pursuant to section 15J.3.
11 4. "*Fund*" means the state reinvestment district fund created
12 in section 15J.5.
13 5. "*Governing body*" means the county board of supervisors,
14 city council, or other body in which the legislative powers of
15 the municipality are vested.
16 6. "*Lessor*" means the same as defined in section 423A.2.
17 7. "*Municipality*" means a county or an incorporated city.
18 8. "*Project*" means a vertical improvement constructed
19 or substantially improved within a district using sales
20 tax revenues and hotel and motel tax revenues received by a
21 municipality pursuant to this chapter.
22 9. "*Retail establishment*" means a business operated by a
23 retailer as defined in section 423.1.
24 10. "*State hotel and motel tax*" means the state-imposed tax
25 under section 423A.3.
26 11. "*State sales tax*" means the sales and services tax
27 imposed pursuant to section 423.2.
28 12. "*Vertical improvement*" means a building that is wholly
29 or partially above grade and all appurtenant structures to the
30 building.
31 Sec. 3. NEW SECTION. 15J.3 District establishment —
32 approval.
33 1. A municipality that has an area suitable for development
34 within the boundaries of the municipality is eligible to
35 seek approval from the board to establish a reinvestment



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1 district under this section consisting of the area suitable for
2 development. To be designated a reinvestment district, an area
3 shall meet the following requirements:

4 *a.* The area consists only of parcels of real property that
5 the governing body of the municipality determines will be
6 directly and substantially benefited by development in the
7 proposed district.

8 *b.* The area is in whole or in part either an economic
9 development enterprise zone designated under chapter 15E,
10 division XVIII, or an urban renewal area established pursuant
11 to chapter 403.

12 *c.* The area consists of contiguous parcels and does not
13 exceed fifty acres in total.

14 *d.* For a municipality that is a city, the area does not
15 include the entire incorporated area of the city.

16 2. Prior to submission to the board for approval under
17 subsection 3, a proposed district plan shall be developed
18 and approved by resolution of the governing body of the
19 municipality. The proposed district plan shall state the
20 governing body's intent to establish a district. The proposed
21 district plan shall also include all of the following:

22 *a.* A finding by the governing body that the area in the
23 proposed district is an area suitable for development.

24 *b.* A legal description of the real estate forming the
25 boundaries of the area to be included in the proposed district
26 along with a map depicting the existing parcels of real estate
27 located in the proposed district.

28 *c.* A list of the names and addresses of the owners of record
29 of the parcels to be included in the proposed district.

30 *d.* A list of all projects proposed to be undertaken within
31 the district, a detailed description of those projects, and
32 a project plan for each proposed project. Each project plan
33 shall clearly state the estimated cost of the project, the
34 anticipated funding sources for the project, and the amount and
35 type of debt, if any, to be incurred by the municipality to



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1 fund the project, and shall include a project feasibility study
2 conducted by an independent professional with expertise in
3 economic development and public finance. The feasibility study
4 shall include projections and analysis of all of the following:

5 (1) The amount of gross revenues expected to be collected in
6 the district as a result of the project for each year that the
7 district is in existence.

8 (2) A detailed explanation of the manner and extent to which
9 the project will contribute to the economic development of
10 the state and the municipality, including an analysis of the
11 project's economic impact. The analysis shall include the same
12 components and be conducted in the same manner as the economic
13 impact study required under paragraph "e".

14 (3) An estimate of the number of visitors or customers
15 the project will generate during each year that the district
16 exists.

17 (4) A description of the unique characteristics of the
18 project.

19 e. An economic impact study for the proposed district
20 conducted by an independent economist retained by the
21 municipality. The economic impact study shall, at a minimum,
22 do all of the following:

23 (1) Contain a detailed analysis of the financial benefit
24 of the proposed district to the economy of the state and the
25 municipality.

26 (2) Identify one or more projected market areas in which the
27 district can reasonably be expected to have an economic impact.

28 (3) Assess the fiscal and financial impact of the proposed
29 district on businesses or on other economic development
30 projects within the projected market area.

31 3. a. The municipality shall submit a copy of the
32 resolution, the proposed district plan, and all accompanying
33 materials adopted pursuant to this section to the board for
34 evaluation and approval.

35 b. The board shall evaluate each municipality's proposed



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1 district plan and accompanying materials and shall approve the
2 district plan and establishment of the district if the board
3 determines that, in addition to other criteria established by
4 the board by rule, all of the following conditions are met:

5 (1) The area of the municipality proposed to be included in
6 the district meets the requirements of subsection 1.

7 (2) The projects proposed to be undertaken in the district
8 will have a substantial beneficial impact on the economy of the
9 state and the economy of the municipality.

10 (3) The proposed funding sources for each project are
11 feasible.

12 c. If the board denies a proposed district plan, the board
13 shall state the reasons for the denial and the municipality may
14 resubmit the application.

15 d. As part of its approval of a proposed district plan,
16 the board may, subject to the authorized amounts under section
17 15J.4, establish maximum amounts of state sales tax revenues
18 or state hotel and motel tax revenues, or both, that may be
19 remitted to a municipality's reinvestment project fund. Such
20 maximum amounts shall be determined based on the financing
21 needs of the project and the economic impact to the state.

22 4. Upon receiving the approval of the board, the
23 municipality may adopt an ordinance establishing the district
24 and shall notify the director of revenue of the establishment
25 of the district. The ordinance adopted by the municipality
26 shall include a detailed statement of the manner in which
27 the approved projects to be undertaken in the district will
28 be financed, including but not limited to the financial
29 information included in the project plan under subsection 2,
30 paragraph "d". Following establishment of the district, a
31 municipality may use the moneys deposited in the municipality's
32 reinvestment project fund created pursuant to section 15J.6
33 to fund the development of those projects included within the
34 district plan.

35 5. A municipality may amend the district plan to add



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1 or modify projects. However, a proposed modification to a
2 project and each project proposed to be added shall first be
3 approved by the board in the same manner as provided for the
4 original plan. In no case, however, shall an amendment to
5 the plan result in the extension of the district dissolution
6 date provided in section 15J.7. If a district plan is amended
7 to add or modify a project, the municipality shall amend
8 the ordinance, if necessary, to reflect any changes to the
9 financial information required to be included under subsection
10 4.

11 Sec. 4. NEW SECTION. 15J.4 New state tax revenue
12 calculations.

13 1. a. The department of revenue shall calculate quarterly
14 the amount of new state sales tax revenues for each district
15 established in the state to be deposited in the state
16 reinvestment district fund created in section 15J.5, pursuant
17 to section 423.2, subsection 11, paragraph "b".

18 b. The amount of new state sales tax revenue for purposes
19 of paragraph "a" shall be the product of the amount of sales
20 subject to the state sales tax in the district during the
21 quarter from retailers holding a retail sales tax permit issued
22 on or after the date the ordinance establishing the district
23 was first adopted under section 15J.3, subsection 4, times four
24 percent.

25 2. a. The department of revenue shall calculate quarterly
26 the amount of new state hotel and motel tax revenues for each
27 district established in the state to be deposited in the state
28 reinvestment district fund created in section 15J.5, pursuant
29 to section 423A.6.

30 b. The amount of new state hotel and motel tax revenue for
31 purposes of paragraph "a" shall be the product of the amount of
32 sales subject to the state hotel and motel tax in the district
33 during the quarter from retailers or lessors holding a permit
34 for the collection of the state hotel and motel tax issued
35 on or after the date the ordinance establishing the district



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1 was first adopted under section 15J.3, subsection 4, times the
2 state hotel and motel tax rate imposed under section 423A.3.

3 3. Each municipality that has established a district
4 under this chapter shall assist the department of revenue in
5 identifying retail establishments in the district that are
6 collecting state sales tax and lessors in the district that are
7 collecting state hotel and motel tax. This process shall be
8 ongoing until the municipality ceases to utilize state sales
9 tax revenue or state hotel and motel tax revenue under this
10 chapter or the district is dissolved.

11 Sec. 5. NEW SECTION. 15J.5 State reinvestment district
12 fund.

13 1. A state reinvestment district fund is established in the
14 state treasury under the control of the department of revenue
15 consisting of the new state sales tax revenues collected within
16 each district and deposited in the fund pursuant to section
17 423.2, subsection 11, paragraph "b", and the new state hotel and
18 motel tax revenues collected within each district and deposited
19 in the fund pursuant to section 423A.6. Moneys deposited in
20 the fund are appropriated to the department of revenue for the
21 purposes of this section. Moneys in the fund shall only be
22 used for the purposes of this section.

23 2. A district account is created within the fund for each
24 district created by a municipality under this chapter.

25 3. The department of revenue shall deposit the moneys
26 described in subsection 1 into the appropriate district account
27 in the fund beginning the first day of the quarter following
28 adoption of the ordinance by the municipality under section
29 15J.3, subsection 4.

30 4. All moneys in each district account within the fund
31 shall be remitted quarterly by the department of revenue to the
32 municipality that established the district for deposit in the
33 municipality's reinvestment project fund established pursuant
34 to section 15J.6.

35 5. The department of revenue shall adopt rules for the



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1 remittance of moneys to municipalities.

2 Sec. 6. NEW SECTION. 15J.6 Reinvestment project fund.

3 1. State sales tax revenue and state hotel and motel tax
4 revenue remitted by the department of revenue to a municipality
5 pursuant to section 15J.5 shall be deposited in a reinvestment
6 project fund of the municipality and shall be used to fund
7 projects within the district from which the revenues were
8 collected. If the municipality determines that the revenue
9 accruing to the reinvestment project fund exceeds the amount
10 necessary for these purposes, the excess moneys that are
11 remittances received under section 15J.5 and all interest in
12 the fund attributable to such excess amounts shall be remitted
13 by the municipality to the department of revenue for deposit in
14 the general fund of the state.

15 2. In addition to the moneys received pursuant to section
16 15J.5, a municipality may deposit in the reinvestment project
17 fund any other moneys lawfully at the municipality's disposal,
18 including but not limited to local sales and services tax
19 receipts collected under chapter 423B if such use is a purpose
20 authorized for the municipality under chapter 423B.

21 3. *a.* Moneys from any source deposited into the
22 reinvestment project fund shall not be expended for or
23 otherwise used in connection with a project that includes
24 the relocation of a commercial or industrial enterprise not
25 presently located within the municipality, unless one of the
26 following occurs:

27 (1) The local governing body of the municipality where
28 the commercial or industrial enterprise is currently located
29 and the local governing body of the municipality where the
30 commercial or industrial enterprise is proposing to relocate
31 have either entered into a written agreement concerning the
32 relocation of the commercial or industrial enterprise or have
33 entered into a written agreement concerning the general use
34 of economic incentives to attract commercial or industrial
35 development within those municipalities.



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1 (2) The local governing body of the municipality where the
2 commercial or industrial enterprise is proposing to relocate
3 finds that the use of moneys in the reinvestment project fund
4 for a project that includes such a relocation is in the public
5 interest. A local governing body's finding that a project that
6 includes a commercial or industrial enterprise relocation is
7 in the public interest shall include written verification from
8 the commercial or industrial enterprise that the enterprise is
9 actively considering moving all or a part of its operations to
10 a location outside the state and a specific finding that such
11 an out-of-state move would result in a significant reduction
12 in either the enterprise's total employment in the state or in
13 the total amount of wages earned by employees of the enterprise
14 in the state.

15 **b.** For the purposes of this subsection, "*relocation*"
16 means the closure or substantial reduction of an enterprise's
17 existing operations in one area of the state and the initiation
18 of substantially the same operation in the same county or a
19 contiguous county in the state. "*Relocation*" does not include
20 an enterprise expanding its operations in another area of the
21 state provided that existing operations of a similar nature are
22 not closed or substantially reduced.

23 4. Upon dissolution of a district pursuant to section 15J.7,
24 if moneys remitted to the municipality pursuant to section
25 15J.5 remain in the municipality's reinvestment project fund
26 and those moneys are not necessary to support completion of
27 a project in the dissolved district, such amounts and all
28 interest remaining in the fund that was earned on such amounts
29 shall be remitted by the municipality to the department of
30 revenue for deposit in the general fund of the state.

31 5. Upon dissolution of a district pursuant to section 15J.7,
32 moneys remaining in the reinvestment project fund that were
33 deposited pursuant to subsection 2 and all interest remaining
34 in the fund that was earned on such amounts shall be deposited
35 in the general fund of the municipality.



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1 Sec. 7. NEW SECTION. 15J.7 **District dissolution.**

2 1. A district established pursuant to this chapter is
3 dissolved twenty-five years from the date the ordinance was
4 first adopted under section 15J.3, subsection 4, unless the
5 municipality dissolves the district by ordinance prior to that
6 date.

7 2. Upon expiration of the twenty-five-year period or
8 upon adoption of an ordinance dissolving the district, the
9 municipality shall notify the director of revenue of the
10 dissolution of the district.

11 3. Upon receipt of the notice pursuant to subsection 2,
12 the department of revenue shall cease to deposit state sales
13 tax revenues and state hotel and motel tax revenues into the
14 district's account within the fund.

15 Sec. 8. Section 423.2, subsection 11, paragraph b, Code
16 2013, is amended by adding the following new subparagraph:

17 NEW SUBPARAGRAPH. (6) Beginning the first day of the
18 quarter following adoption of an ordinance pursuant to section
19 15J.3, subsection 4, transfer to a district account created
20 in the state reinvestment district fund for each reinvestment
21 district established under chapter 15J, the amount of new state
22 sales tax revenue, determined in section 15J.4, subsection 1,
23 paragraph "b", in the district, that remains after the prior
24 transfers required under this paragraph "b".

25 Sec. 9. Section 423A.6, unnumbered paragraph 1, Code 2013,
26 is amended to read as follows:

27 The director of revenue shall administer the state and local
28 hotel and motel tax as nearly as possible in conjunction with
29 the administration of the state sales tax law, except that
30 portion of the law which implements the streamlined sales and
31 use tax agreement. The director shall provide appropriate
32 forms, or provide on the regular state tax forms, for reporting
33 state and local hotel and motel tax liability. All moneys
34 received or refunded one hundred eighty days after the date
35 on which a city or county terminates its local hotel and



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1 motel tax and all moneys received from the state hotel and
2 motel tax shall be deposited in or withdrawn from the general
3 fund of the state. Beginning the first day of the quarter
4 following adoption of an ordinance pursuant to section 15J.3,
5 subsection 4, the director of revenue shall transfer from the
6 general fund of the state to a district account created in
7 the state reinvestment district fund for each reinvestment
8 district established under chapter 15J, the new state hotel and
9 motel tax revenue, determined in section 15J.4, subsection 2,
10 paragraph "b", in the district.

11 EXPLANATION

12 This bill enacts new Code chapter 15J, the "Iowa
13 Reinvestment Act".

14 The bill authorizes municipalities to establish reinvestment
15 districts and receive remittances of specified amounts of state
16 sales tax revenues and state hotel and motel taxes collected
17 in those districts for use in undertaking projects, as defined
18 in the bill, in the district.

19 A municipality that has an area suitable for development
20 within the boundaries of the municipality is eligible to
21 seek approval from the economic development authority board
22 to establish a reinvestment district under new Code chapter
23 15J consisting of the area suitable for development. To be
24 designated a reinvestment district, an area shall meet the
25 following requirements: (1) the area consists only of parcels
26 of real property that the governing body of the municipality
27 determines will be directly and substantially benefited by
28 development in the proposed district, (2) the area is in whole
29 or in part either an economic development enterprise zone
30 designated under Code chapter 15E, division XVIII, or an urban
31 renewal area established pursuant to Code chapter 403, (3) the
32 area consists of contiguous parcels and does not exceed 50
33 acres, and (4) for a municipality that is a city, the area does
34 not include the entire incorporated area of the city.

35 Prior to submission to the economic development authority

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1 board for approval, the municipality must develop a proposed
2 district plan and approve it by resolution of the governing
3 body of the municipality. The proposed district plan shall
4 state the governing body's intent to establish a district. The
5 proposed district plan shall include a finding by the governing
6 body of the municipality that the area in the proposed district
7 is an area suitable for development. The proposed district
8 plan must also include information relating to the composition
9 of the proposed district, a list and detailed description of
10 all projects proposed to be undertaken within the district, a
11 project plan for each proposed project, and an economic impact
12 study for the proposed district.

13 The economic development authority board is required
14 to evaluate each municipality's proposed district plan and
15 accompanying materials and shall approve the district plan and
16 establishment of the district if the board determines that,
17 in addition to other criteria established by the board by
18 rule, the area of the municipality proposed to be included in
19 the district is suitable for development, as defined in the
20 bill, the projects proposed to be undertaken in the district
21 will have a substantial beneficial impact on the economy of
22 the state and the economy of the municipality, and that the
23 proposed funding sources for each project are feasible.

24 If the economic development authority board approves
25 the district plan and establishment of the district, the
26 municipality may adopt an ordinance establishing the district
27 and shall notify the director of revenue of the establishment
28 of the district. The bill provides that an amendment to the
29 district plan to add or modify a project must be approved by
30 the board in the same manner as the original district plan.

31 The bill authorizes the economic development authority board
32 to establish, subject to the amounts authorized in the bill,
33 maximum amounts of state sales tax revenues or state hotel
34 and motel tax revenues, or both, that may be remitted to a
35 municipality's reinvestment project fund.



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1 The bill authorizes a municipality to use specified new
2 state sales tax revenues and specified new state hotel and
3 motel tax revenues for those projects being undertaken in the
4 district that were approved by the board. The bill calculates
5 the amount of new state sales tax revenues and new state hotel
6 and motel tax revenues using only those sales subject to those
7 taxes from retailers and lessors holding sales tax permits
8 issued on or after the date the district was established by
9 ordinance. The department of revenue calculates quarterly the
10 amount of new state sales tax revenues and new state hotel
11 and motel tax revenues for each district established in the
12 state to be deposited in the district's account in the state
13 reinvestment district fund created in the bill. The amount of
14 new state sales tax revenue is calculated using a 4 percent
15 tax rate instead of the 6 percent tax rate imposed under Code
16 section 423.2. All moneys in each district account within the
17 fund shall be remitted quarterly by the department of revenue
18 to the municipality that established the district for deposit
19 in the municipality's reinvestment project fund established
20 in the bill and used to fund projects within the district
21 from which the revenues were collected. The bill imposes
22 limitations on the use of moneys deposited in a municipality's
23 reinvestment project fund.

24 The bill provides for the remittance by the municipality
25 to the department of revenue of specified amounts accruing
26 to the municipality's reinvestment project fund or remaining
27 in the municipality's reinvestment project fund following
28 dissolution of the district that the municipality determines to
29 be unnecessary to fund the projects in the district.

30 The bill provides that a district established under new
31 Code chapter 15J is dissolved 25 years from the date the
32 ordinance to establish the district was first adopted, unless
33 the municipality dissolves the district by ordinance prior to
34 that date. Upon dissolution of a district, the department of
35 revenue shall cease to deposit state sales tax revenues and



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1 state hotel and motel tax revenues into the district's account
2 within the state reinvestment district fund.



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House File 495

S-3133

1 Amend House File 495, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, after line 30 by inserting:
4 <Sec. _____. Section 631.14, subsection 2, Code 2013,
5 is amended to read as follows:
6 2. In actions concerning residential rental
7 property that is titled in the name of one or more
8 individuals, an employee of one or more of the titled
9 owners, or an officer or employee of a property
10 management entity acting on behalf of one or more of
11 the titled owners, may bring or defend an action in
12 the name of the titled owners, the property management
13 entity, or the name by which the property is commonly
14 known real party in interest.
15 ~~Notwithstanding any other provision to the contrary,~~
16 ~~if the defendant or plaintiff has been improperly named~~
17 ~~in the petition in an action concerning residential~~
18 ~~rental property, the real party in interest shall be~~
19 ~~substituted at the time the error is identified and the~~
20 ~~action shall not be dismissed or delayed except to the~~
21 ~~extent necessary to identify and serve the real parties~~
22 ~~in interest.>~~
23 2. By renumbering as necessary.

THOMAS G. COURTNEY

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Senate File 230

S-3134

1 Amend Senate File 230 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. NEW SECTION. 537A.6 In-state
5 construction contracts — Iowa law to govern.
6 1. As used in this section, "*in-state construction*
7 *contract*" means a public, private, foreign, or domestic
8 agreement relating to construction, alteration, repair,
9 or maintenance of any real property in this state
10 and includes agreements for architectural services,
11 demolition, design services, development, engineering
12 services, excavation, or any other improvement to real
13 property in this state, including buildings, shafts,
14 wells, and structures, whether on, above, or under real
15 property in this state. "*In-state construction contract*"
16 does not include any agreement between this state and
17 any other state.
18 2. A provision of an in-state construction contract
19 is void and unenforceable as contrary to public policy
20 if the provision does any of the following:
21 a. Makes the in-state construction contract subject
22 to the laws of another state.
23 b. Requires any litigation, mediation, arbitration,
24 or other dispute resolution proceeding arising from
25 the in-state construction contract to be conducted in
26 another state.
27 3. Notwithstanding any contractual provision to the
28 contrary, the laws of this state shall apply to every
29 in-state construction contract.
30 4. Any litigation, mediation, arbitration, or other
31 dispute resolution proceeding arising from or relating
32 to an in-state construction contract shall be conducted
33 in this state.
34 Sec. 2. EFFECTIVE DATE. This Act takes effect
35 January 1, 2014.>
36 2. Title page, line 2, after <law> by inserting
37 <and including effective date provisions>

JANET PETERSEN

SF230.1525 (1) 85
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(amending this SF
230 to CONFORM to
HF 211)

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House File 211

S-3135

1 Amend House File 211, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, lines 22 and 23, by striking
4 <Notwithstanding any contractual provision to the
5 contrary, the> and inserting <The>

JANET PETERSEN



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House File 602

S-3136

1 Amend House File 602, as passed by the House, as
2 follows:
3 1. Page 4, after line 34 by inserting:
4 <Sec. _____. JOB ACCESS AND REVERSE COMMUTE GRANT
5 PROGRAM. Notwithstanding section 321.145, subsection
6 2, paragraph "c", there is appropriated from the
7 statutory allocations fund to the department of
8 transportation for the fiscal year beginning July
9 1, 2013, and ending June 30, 2014, from the revenues
10 remaining after the operation of section 321.145,
11 subsection 2, paragraphs "a" and "b", the following
12 amount, or so much thereof as is necessary, to be used
13 for the purposes designated:
14 For continuation of the job access and reverse
15 commute grant program:
16 \$ 350,000
17 Moneys appropriated in this section shall be
18 distributed by the department in the form of grants to
19 cities, nonprofit organizations, or operators of public
20 transportation services for the fiscal year beginning
21 July 1, 2013, and ending June 30, 2014, to continue
22 an existing access to jobs project or reverse commute
23 project serving a city with a population of 50,000 or
24 more and the surrounding metropolitan area. A grant
25 awarded under this section shall not exceed 90 percent
26 of the cost of a program's operation for the fiscal
27 year beginning July 1, 2013, and ending June 30, 2014.
28 In awarding grants under this section, the department
29 shall use criteria established under former 49 U.S.C.
30 § 5316 establishing the federal job access and reverse
31 commute formula grant program.>
32 2. By renumbering as necessary.

LIZ MATHIS

HF602.1536 (1) 85

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House File 477

S-3137

- 1 Amend House File 477, as passed by the House, as
2 follows:
3 1. Page 1, after line 34 by inserting:
4 <Sec. _____. NEW SECTION. 321.240 Mobile radar
5 camera enforcement prohibited.
6 The state or a local authority shall not operate or
7 authorize the use of a mobile radar speed camera for
8 the enforcement of vehicular speed laws. For purposes
9 of this section, "*mobile radar speed camera*" means
10 a mobile automated traffic enforcement system that
11 operates in conjunction with a speed measuring device,
12 as defined in section 321.232, to record images of
13 vehicles traveling in violation of a speed limit.>
14 2. Title page, line 1, after <to> by inserting
15 <speed enforcement technology, including the use of
16 mobile radar speed cameras and>
17 3. By renumbering as necessary.

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House File 245

S-3138

- 1 Amend House File 245, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 30, through page 2,
4 line 5, and inserting <Notwithstanding section 8.33,
5 or any other provision of law to the contrary, the
6 unencumbered or unobligated balance of the cigarette
7 fire safety standard fund at the close of the fiscal
8 year beginning July 1, 2012, shall not revert but shall
9 remain available for expenditure for purposes of the
10 regional emergency response training centers, on an
11 equal basis, until the close of the succeeding fiscal
12 year.
13 Sec. _____. EFFECTIVE UPON ENACTMENT. This Act,
14 being deemed of immediate importance, takes effect upon
15 enactment.>
16 2. By renumbering as necessary.

JEFF DANIELSON



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 09, 2013

House File 477

S-3139

- 1 Amend House File 477, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 4, by striking <sell, operate, or
- 4 possess> and inserting <sell, or operate ~~or possess~~>
- 5 2. Page 1, lines 13 and 14, by striking <sold,
- 6 operated, or possessed> and inserting <sold or
- 7 operated>
- 8 3. By renumbering as necessary.

MARK CHELGREN



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 09, 2013

House File 381

S-3140

1 Amend the amendment, S-3117, to House File 381,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, after line 22 by inserting:
5 <Sec. _____. Section 99D.11, subsection 6, paragraph
6 c, subparagraph (4), Code 2013, is amended to read as
7 follows:
8 (4) An unlicensed advance deposit wagering operator
9 or an individual taking or receiving wagers from
10 residents of this state ~~on races conducted at the horse~~
11 ~~racetrack located in Polk county~~ is guilty of a class
12 "D" felony.>>
13 2. Page 1, line 25, after <tracks> by inserting <,
14 advance deposit wagering,>

JEFF DANIELSON



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 09, 2013

Senate Study Bill 1250 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act modifying provisions pertaining to delayed deposit
2 services businesses, including provisions relating to fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 2515XC (2) 85
rn/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 09, 2013

S.F. _____

1 Section 1. Section 533D.3, subsection 3, paragraph a, Code
2 2013, is amended to read as follows:

3 a. An application fee of ~~one~~ two hundred dollars.

4 Sec. 2. Section 533D.3, subsection 6, paragraph b, Code
5 2013, is amended to read as follows:

6 b. A license shall be renewed annually by filing with the
7 superintendent on or before April 1 an application for renewal
8 containing such information as the superintendent may require
9 to indicate any material change in the information contained in
10 the original application or succeeding renewal applications and
11 a renewal fee of ~~two~~ three hundred fifty dollars.

12 Sec. 3. Section 533D.9, subsection 2, paragraph b, Code
13 2013, is amended to read as follows:

14 b. The annual percentage rate as computed pursuant to the
15 federal Truth in Lending Act. The annual percentage rate shall
16 not exceed thirty-six percent.

17 EXPLANATION

18 This bill modifies provisions applicable to delayed deposit
19 services businesses.

20 The bill increases application and licensure renewal
21 fees applicable to the operation of delayed deposit services
22 businesses by \$100. These increases result in a fee of \$200
23 for an application for initial licensure, and \$350 for annual
24 license renewal.

25 Additionally, the bill limits the annual percentage rate
26 applicable to a delayed deposit services transaction to 36
27 percent, as computed pursuant to the federal Truth in Lending
28 Act.